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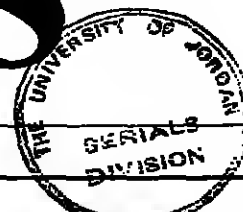
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THE TIMES

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WEDNESDAY NOVEMBER 16 1994



£6 billion fraud bill for Brussels

Euro revolt 'could cause an election'

By Philip Webster, Political Editor, and Wolfgang Münchau in Strasbourg

TORY Euro-rebels were warned last night that they would precipitate a general election if they defeated legislation increasing Britain's contribution to the European Union.

In a surprise attempt to stifle revolt on one of the key Bills to be unveiled in the Queen's Speech today, the leader of the Conservative backbenchers said any defeat on the Bill would be seen as an issue of confidence that could lead to the fall of the Government.

Sir Marcus Fox, the chairman of the 1922 Committee, said: "I am asking all my colleagues to appreciate the seriousness of the situation. If there is any amendment or defeat, the consequences to the Government are quite obvious. We shall end up with a general election."

His strictures came on the day that Euro-sceptics were handed valuable evidence for their campaign. An official document revealed a £6-billion "epidemic" of crookedness, waste and incompetence in the spending of EU funds was seized on by MPs who said it justified their resistance to the Bill.

Ministers say the legislation will add £75 million to Britain's EU contribution next year and the additional dues will rise to £250 million by 1999.

The annual report, by the European Court of Auditors, prompted senior ministers to support the principle of blocking funds to countries with inadequate monitoring systems. The timing of the report



Fox: MPs must appreciate seriousness of situation

was, however, embarrassing for the Government on the eve of the state opening of Parliament.

Sir Marcus's intervention was part of a co-ordinated assault by ministers who are pointing out that the Government would be reneging on its international obligations if it failed to get the Bill through. The sceptics will view his remarks, which are unlikely to have been made without the knowledge of the whips and No 10, as a sign that the Government fears they will make common cause with Labour to try to pass a wrecking amendment, as occurred with the Maastricht Bill.

Although Labour will not oppose the new Bill in principle, it may still make the issue of more money for Brussels dependent on an amendment calling for introduction of the social chapter or reform of the common agricultural policy.

The new Bill, which will have the full support of the Prime Minister, arises from

an agreement drawn up at the Edinburgh summit two years ago when Britain held the presidency of the Union. Sir Marcus said he was giving a "very firm message to my colleagues not to mess about".

He said: "It is the most serious issue that has faced us since the last general election. There is no hidden agenda. All we are being asked to do is to honour an agreement made during our presidency of the EC in 1992 at the Edinburgh summit."

Yesterday André Middelhoeck, the president of the court that compiled the report, said: "Fraud exists everywhere, there's no question of it just being something that happens in one country as opposed to another."

He said nobody had a clue about the true scale of the problem. "If we knew the extent of fraud, it would be far easier to tackle the problem. But fraud in the EU is being perpetrated on too wide and too high a scale," Mr Middelhoeck said.

"Eighty per cent of the Euro-budget is distributed by the member states. Therefore they are largely responsible." He added: "I believe the fraud notified to the Commission does not reflect the true picture."

William Cash, the leading Tory Euro-sceptic, questioned the extent to which British taxpayers should continue to pour money into this "bottomless, fraudulent pit".

Lord Tebbit, the former

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Leading article, page 17



Sarah Hogg who has resigned as the head of the Prime Minister's policy unit

Sarah Hogg going as Major renews kitchen cabinet

By Philip Webster and Nicholas Wood

JOHN Major is to appoint new policy chiefs at Downing Street and Conservative Central Office as he completes a sweep of his key backroom staff in preparation for the next general election.

Sarah Hogg, the Prime Minister's closest adviser for the past four years, is leaving Downing Street early next year after a successor has been found. Jonathan Hill, Mr Major's political secretary, is to be replaced by Howell James, a presentation expert and former corporate affairs director at the BBC. Andrew Lansley, head of the Conservative research department, is to leave Central Office shortly and hopes to become a parliamentary candidate.

By far the most significant move is the decision of Mrs Hogg, 48, to leave her job as head of the Prime Minister's policy unit which she has held since December 1990.

She has been blamed by MPs for some of Mr Major's policy failures, including the back-to-basics campaign. But Downing Street stressed that she was resigning at her request and it is known that she told Mr Major in the summer that she wanted to give her successor time to prepare for the next election.

The policy chief is effectively in charge of writing the next manifesto. Mr Major has drawn up a short-list of candidates to replace Mrs Hogg. It is understood not to include her deputy, Nick True.

After the departure of Sir Graham Bright, the Prime Minister's parliamentary private secretary, and Gus O'Donnell, the press secretary, who was replaced by Christopher Meyer, the change will complete a turnaround in the kitchen cabinet.

The announcement had not been intended yesterday, but it was hurried after Mr

Major learnt that news of Mrs Hogg's intended departure had leaked.

Senior MPs were impressed with appointment of Mr James. A former adviser to Lord Young in Baroness Thatcher's Cabinet, he went on to the BBC and has since been director of corporate and government affairs at Cable and Wireless. In the run-up to the 1987 election, Mr James played an important role in helping Lord Young to minimise the electoral impact of record levels of unemployment.

Mr Hill is returning to Sir Tim Bell's Lowe-Bell Communications as a senior consultant.

Mr Major delivered a warm tribute to Mrs Hogg. "Her contribution has been enormous. Her staunchness and her wise advice have been of incalculable value," he said. "Sarah's decision to pursue other interests is a great loss to her friends and colleagues at No 10. Her contribution has been enormous. Norma and I appreciate her not just as a colleague but as a close friend. She leaves No 10 with our heartfelt good wishes."

He pointed to the role of Mrs Hogg and Mr Hill in helping him to win the 1992 election against the odds.

Mr Major said of Mr Hill: "I could not have asked for anyone more loyal or hard-working than Jonathan. He will now have the chance to see more of his young and growing family and he leaves with my warmest good wishes. I will long remember his contribution to the 1992 election campaign when he was by my side throughout, drawing on apparent inexhaustible resources of enthusiasm and good humour."

Hogg's career, page 2
Diary, page 16

US seeks backing for Nato expansion

By Michael Evans and Martin Fletcher

AMERICA is pressing for the expansion of Nato eastwards without causing a breach with Russia. It is attempting to do this with the agreement of the present alliance members.

Washington wants Nato to present such a deal next year to all 23 members of Partnership for Peace, the existing arrangement unveiled by President Clinton last January offering former Warsaw Pact nations closer military co-operation with Nato but no guarantee of membership.

The signals from America coincided last night with calls from Malcolm Rifkind, the Defence Secretary, for the formation of an Atlantic Community to strengthen ties be-

tween Europe and North America. He called for a relationship that spread far wider than the Nato alliance. Although defence and security would remain a key part of the relationship, there were other issues that underlined the "abiding friendship between Europe and North America". Speaking to the Filkins Society in London, Mr Rifkind said his idea of an Atlantic Community would embrace the shared belief in parliamentary democracy, capitalism and free trade. With this common destiny, it was not surprising that the new Central and Eastern European democracies were now anxious to "participate in the Western family of nations".

However, he emphasised that any purely military deal. "We should encourage a deepening and ripening of Atlanticist values in Central and Eastern Europe so that they can in due course fully participate in such an Atlantic Community," he said.

Reynolds fails to defuse Dublin coalition crisis

By Nicholas Watt, Ireland Correspondent

THE future of the government of the Irish Republic hung in the balance last night after Labour members of the ruling coalition said they were disappointed with a statement by Albert Reynolds that was designed to defuse the political crisis in Dublin.

Labour members of the Dail (parliament) described the Prime Minister's statement as flawed and said that it did not go far enough to meet their objections over a senior legal appointment.

The MPs huddled in groups outside the chamber after Mr Reynolds's speech which went some way towards endorsing Labour's criticisms of the Attorney-General's office over a delay in dealing with extradition warrants against a Roman Catholic priest accused of paedophile offences.

Labour sources said last night that Dick Spring, the party leader and Deputy Prime Minister, was likely to give his response to the statement today. One senior source

said that the chances of the government's surviving were slim, adding: "It doesn't look terrific. It's tricky." Jim Kenny, chairman of the Labour Party, said: "I am disappointed with the response of the Taoiseach (Prime Minister)." Members of Mr Reynolds's Fianna Fail party said they hoped there was enough in the Prime Minister's speech to satisfy Labour.



Reynolds: Labour says Dail speech was flawed

However, a senior government source, asked about the coalition's chances said: "It is too close to call."

In a lengthy statement to a packed sitting of the Dail, Mr Reynolds described the seven-month delay in dealing with extradition warrants against Father Brendan Smyth as totally unacceptable. Mr Reynolds said he took responsibility for the fact that the system of examining extradition warrants in the Attorney-General's Office was not changed earlier and promised that the process would be radically changed.

He said: "On my own behalf, and on behalf of the government, I wish to express my deep regret to the Irish people for the delays that occurred. I give a solemn assurance in this House today that such a situation will never arise again."

Mr Spring led a walkout by Labour ministers from Friday's Cabinet meeting after

Three holiday Britons drown

Three British holidaymakers drowned yesterday while swimming in the sea near the resort of Paphos in Cyprus.

Police identified the three victims as David Haldane, 58, his wife Moira, and their friend Margo Bryson, 55, all from Glasgow. John Bryson, 55, was rescued from the sea by passers-by and last night was recovering in hospital. The group had arrived on the island a week ago.

Canoe trip 'folly'

A canoe expedition of eight pupils, a teacher and two novice instructors, which ended with four teenagers drowned, was "nothing short of utter folly", Winchester Crown Court was told yesterday. Page 3

Former MP dies

Humphrey Berkeley, the former Conservative MP whose private member's Bill led to legalised homosexuality in 1966, died yesterday. Mr Berkeley, who was 68, later stood as a parliamentary candidate for Labour and the SDP. Obituary, page 19

BT offers families the chance to dial M for movies

By Ross Tieman, Industrial Correspondent

AN EXPERIMENT which could revolutionise shopping and television watching is to be launched by British Telecom next year in the homes of 2,500 families in East Anglia. Customers are to be offered the chance to watch old films and television programmes, book holidays, do their supermarket shop and buy books without leaving home.

Viewers will be able to choose whatever service they want from a

menu on their television screens and the material will appear on their sets without affecting the normal telephone line. Selected homes in Ipswich and Colchester will be the first to be offered the facility.

The trial is a triumph for staff at BT's Martlesham research laboratories in Suffolk, where the technology was developed. Subscribers will have an Apple Macintosh computer connected to their televisions to enable them to select services.

Many of Britain's leading television and retailing companies are taking

part in the six-month experiment. When the trial starts, in the middle of next year, viewers will be able to select an evening's viewing from a choice of 1,000 hours of programmes and films. Thanks to the technology, more than 1,000 families will be able to watch the same film, even if they all choose to start at different times.

A consortium of television companies, including the BBC, Carlton, Granada and Pearson, publisher of the Financial Times, will provide the viewing channels. BSkyB will supply additional sports programmes, while

EMI, PolyGram, Sony Music and Warner Music will provide a variety of listening. Users will be able also to call up travel information from Thomas Cook, and make bookings.

Clothes and sports equipment will be available from Olympus, Adams and Freemans, while W.H. Smith will offer books, CDs and videos. Groceries will be available from Safeway. And educational programmes will be supplied by the Open University.

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Warning for BT page 25

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Hogg's departure is no surprise to her Tory critics

By NICHOLAS WOOD, CHIEF POLITICAL CORRESPONDENT

THE past four years have not been easy for Sarah Hogg. British membership of the exchange-rate mechanism, a policy she championed outside and inside No 10, proved a fiasco and Back to Basics, intended to be the unifying theme of John Major's administration, became an embarrassing failure earlier this year.

So it came as little surprise at Westminster yesterday that Mrs Hogg, aged 48, is shortly to leave her post as head of the Downing Street policy unit. Her impending departure coincided with the announcement that Jonathan Hill, aged 53, is to resign as Mr Major's political secretary and take up a senior post with Sir Tim Bell's public relations company.

But while the self-effacing Mr Hill has been a largely anonymous figure in his role as backstage

political adviser to the Prime Minister and speech-writer, the same cannot be said of Mrs Hogg. Although she has never courted publicity, as the Prime Minister's popularity has plummeted and the Government has lurched from crisis to crisis, she has been the focus of much grumbling at the Commons.

In time-honoured fashion, many MPs and ministers have chosen not to complain directly about the Prime Minister's performance but to claim that he has been the victim of bad advice. Add a drop or two of old-fashioned male chauvinism and it is not difficult to see why Mrs Hogg, sometimes known as the deputy prime minister for her supposedly unhealthy degree of influence over Mr Major, has decided to call it a day.

The charge sheet against her is a long one. Under her leadership, with the unhelpful exception of Back to Basics, the policy unit has hardly been a hotbed of new ideas. Complaints from the Tory Right that the Government is drifting



Mr Hill working with Mr Major en route to an engagement

can be traced directly to the failure of the unit to be little more than another branch of the Civil Service.

Instead of thinking strategically, the 10-strong policy unit has become little more than a firefighting operation, obsessed with the next day's headlines and policy gimmicks that soon fell apart under the weight of their own contradictions.

As one observer of the Downing Street scene said yesterday: "Sarah's greatest strength was her closeness to the Prime Minister and his confidence in her, but I am not sure about the quality of the ideas — their robustness."

"If you enable people to buy shares in nationalised companies, that is real. But a Citizen's Charter is a little bit unreal. Back to Basics should have brought together a raft of social policies covering things like schools and training. But it proved a slogan with nothing to it."

But is it really all her fault? After Mr Major's conference speech calling time on the Thatcher revolution, is he still in the market

for ideas? As one of Mrs Hogg's critics said yesterday: "Would Stanley Baldwin have bothered with a think-tank?"

But Mrs Hogg has her supporters, notably among rightwingers who have worked closely with her over the past four years. They say that old jealousies and grievances stemming from her days as a high-flying journalist on the *Economist*, *Sunday Times*, *The Times*, *The Independent*, *Channel Four* News, and *The Daily Telegraph* have contributed to the unfattering picture painted of her in the Tory press.

More importantly, the Thatcherite true believers have never forgiven her for profiting from their idol's fall and — even worse — helping Mr Major to turn the ashes of that catastrophe into the 1992 election victory.

On the economy, she stuck fast to her free-market, liberal econ-

omic views, helping the Prime Minister to negotiate the social chapter opt-out that has spared industry the added burdens threatened by the Single European Act approved by Lady Thatcher.

They say that in her quiet, pragmatic way she has done a great deal to repair the legislative blunders of the late 1980s and make essentially Thatcherite policies work.

"Sarah has been John Major's lightning conductor and has taken a great deal of flak, not least over Maastricht, which was the Prime Minister's policy anyway. But she has a sound head on her shoulders and she stuck to her principles. She was the Prime Minister's alter ego, his conscience even, and she offered him a balanced judgment alongside courage and detachment."

Hogg quits, page 1

Breakdown of government alarms investors in the peace process

Irish Americans press Spring to rescue coalition

By NICHOLAS WATT, IRELAND CORRESPONDENT

DICK Spring came under strong pressure from America yesterday to stay in government and avoid damaging the Northern Ireland peace process.

Ireland's Deputy Prime Minister and Labour leader is expected to respond today to a statement issued last night by Albert Reynolds, the Prime Minister, intended to preserve the government.

Irish American leaders, who have invested financially and politically to encourage the peace process, said yesterday that they were dismayed that the Irish government could collapse. Bill Flynn, the New York businessman who invited Gerry Adams, the Sinn Féin president, to the city this

year, said: "My reaction is one of disbelief that at this moment in Irish history they can let a government take the risk of falling apart over a judgement."

Niall O'Dowd, the New York publisher and a leading Irish American, told *The Irish Times*: "Albert Reynolds and Dick Spring have tremendous visibility over here and have received great credit for their outstanding work. It would go beyond a tragedy if the peace process were to be damaged by short-term political considerations."

Jean Kennedy Smith, the American ambassador to Dublin who pushed for Mr Adams to be granted a visa before the IRA ceasefire, said

she hoped the coalition crisis would not damage the peace process. Mrs Kennedy Smith, who underlined her support for the ceasefire by holding a private meeting with Mr Adams in September, said: "I don't believe anything will endanger it [the peace process]. I think it will go forward, people want it and it's well supported on both sides here and across the waters."

American support for the peace process was one of the most important factors in persuading IRA hardliners to support the ceasefire. Mrs Kennedy Smith's nationalist sympathies have helped her to build a good working relationship with Mr Reynolds, the leader of the republican Fianna Fáil. Commentators in Dublin fear that the ambassador would have a testier relationship with John Bruton, leader of Fine Gael.

Mr Spring, 44, will be acutely conscious of America's concerns, not least because he is married to a former American air hostess from New Jersey. He met Kristi Hutcheson, a member of the First Christian Church, when he worked as a barman in New York during summer holidays while he was a law student at Trinity College Dublin in the 1970s.

The couple, who have three children and live in Tralee, Co Kerry, married in 1977. Mrs Spring has never given up her American citizenship even though it means that she cannot vote for husband.

Mr Spring's threat to withdraw from government is one of the biggest gambles of his political life since inheriting his father's Dail seat in 1981. He believes that trust within the coalition has broken down. The Labour leader is furious that Harry Whelan was promoted to the presidency of the High Court on Friday after his office delayed dealing with extradition warrants for a priest accused of paedophilic cases.

Coalition crisis, page 1



Harry Whelan, whose promotion precipitated the crisis, with his wife Joyce in Dublin

Reynolds fails to end crisis

Continued from page 1

Mr Reynolds overrode their objections and nominated Harry Whelan, the Attorney-General, as President of the High Court. Mr Spring is strongly opposed to Mr Whelan because he is regarded as too conservative on social issues and because of the delay in dealing with nine extradition warrants from the RUC for Father Smyth, who has since been jailed in Northern Ireland.

In his speech, Mr Reynolds tried to appease Mr Spring by saying he misunderstood the walkout from the Cabinet: he had thought Labour ministers were absenting themselves only from the nomination of Mr Whelan. He said: "I genuinely regret that, and any inadvertent offence caused to the Taoiseach (Mr Spring) and his colleagues. The Prime

Minister added that he was willing to talk to Mr Spring to establish new structures for dealing with differences in the coalition government. They would underpin "renewed trust and co-operation" in the government.

He announced a review of the Attorney-General's office to avoid any repeat of the débâcle over the extradition warrants in the paedophile case. He said that Mr Whelan, who was sworn in yesterday as high court president, had assured him that he did not know of the request for extradition until recent weeks.

In a conciliatory note Mr Reynolds paid tribute to Mr Spring for his role in the Northern Ireland peace process, saying: "The success of negotiations will underwrite the future of this country, and history will recall

Dick Spring's essential contribution to that success."

In a last plea to Labour, however, Mr Reynolds said: "We have to give the fragile Northern peace process the best possible chance of permanent consolidation. I believe the national interest requires continuity."

Leading members of Sinn Féin, who also have said that the crisis poses a threat to the peace process, listened to yesterday's statement from the Dail's public gallery.

Pat Doherty, Sinn Féin's vice-president, who would stand for election in Co Donegal in the event of a general election, said: "I hope that Labour and Fianna Fáil will resolve their differences." He added: "The peace process is at a delicate stage and is getting no attention from the British government."



Dr Carey, left, with Archbishop Robert Eames

Carey urges churches to 'leap walls of separation'

THE Archbishop of Canterbury, Dr George Carey, urged Christians and the churches in Northern Ireland last night to "offer a sacramental lead" in the search for peace.

Dr Carey, preaching at St Patrick's Cathedral, Armagh City, said: "Of all people, Christians should have the courage to cross the human barriers of sin, and leap over the walls of separation. Peace is over a wall that separates. It is a bridge which unites."

He said it was of "paramount importance" that the churches offer a lead, arguing that "love, tolerance and the building of trust within the community" were at the heart of the gospel.

The service, commemorating the 1500 years since St Patrick's arrival in Armagh, was attended by President Robinson, Sir Patrick Mayhew, Northern Ireland Secretary, Cardinal Cahill, Dail, Roman Catholic Archbishop of Armagh, and Robert Eames, Church of Ireland Archbishop of Armagh.

Ministers may be forced to create injustice watchdog

By FRANCES GIBB, LEGAL CORRESPONDENT

THE Government could be forced into legislation to create a review body on miscarriages of justice even though the measure is not expected in the Queen's Speech today.

Yesterday the Bar Council published its own Bill to create a review body, the main proposal of Lord Runciman's Royal Commission on Criminal Justice last year. It would win wide cross-party support as last week Labour promised the Government co-operation

to ensure that such a Bill would be passed during this parliamentary session.

The measure is also likely to be supported by senior judges. Lord Taylor, Lord Chief Justice, has told the Government that the setting up of a review body was "of the highest priority" and urged it to avoid further delay.

Yesterday Robert Seabrook, QC, chairman of the Bar, said: "It is important that the Government does not allow this

important recommendation of the Royal Commission to wither on the vine. Public confidence in the criminal justice system will be endangered if this widely supported and important step is further delayed."

He said that if the proposal was not included in the Queen's Speech, the Bar intended to support a Private Member's Bill to be taken up by an MP who wins a place in the private member's ballot. It was clear there was "strong political consensus to support a Bill to introduce a criminal cases review authority."

The Bar Council Bill would establish an independent review body to investigate alleged miscarriages of justice and refer cases to the Court of Appeal where fresh evidence suggests there may have been a wrongful conviction.

Mr Seabrook called on the Government to include the Bill in the Queen's Speech as a much-needed signal of the Government's commitment to restoring confidence in the justice system and to allay public anxieties about miscarriages of justice.



Sir Tim yesterday

Sir Tim Rice bowled over by his knighthood

TIM RICE, the lyricist and cricket fanatic, was invested with the insignia of his knighthood by the Queen yesterday and joked that the medal ribbon would match his red and yellow MCC tie.

The writer of hit musicals and former president of the Lord's Taverners charity cricket team said it was the honour of achievement to be honoured "in such an English way" after attending the Buckingham Palace investiture with his wife Jane.

Warning on EU

Continued from page 1

Cabinet minister, said: "They've been discovering this year in, year out. The disturbing thing is that nothing is done about it."

"I think what is really happening is that the [European] Commission uses this spending essentially to buy support from member governments and therefore they don't want it stopped," he said.

Minister emphasised, however, that more stringent action was being taken through the Maastricht Treaty to step up reform.

Kenneth Clarke, the Chancellor, said: "There's a commissioner now charged with tackling fraud. There's a very good Dane in charge of the unit that actually polices fraud in the Community and we are having some successes in cutting it back. Since Maastricht, particularly, the whole thing has been stepped up very considerably."

The report suggested that farm fraud was costing the Union £6 billion a year and that the EU's wine lake is large enough to fill 19 billion bottles. The report also cited: □ The payment of more than £180,000 to German apple-growers for digging up apple trees — 90 per cent were reported to be disposed of,

with the remainder due to be removed by March last year. The Court found all the trees were still in place.

□ The payment of nearly £3 million in subsidies for exporting wine from Italy to Central and Eastern Europe. This was up to eight times more than the wine's commercial value.

□ The "irregular" use of £400 million from the social fund, which was spent on training trades union officials in Spain.

Mr Middelhoeck said yesterday that where systems of administration and control in member states were inadequate, funds to those countries should be halted until appropriate remedial action was taken.

David Heathcoat-Amory, the Paymaster-General, who is responsible for EU budgetary issues, said he agreed with the "overall thrust" of Mr Middelhoeck's suggestion.

"I am very attracted to that, provided it's done legally and provided that we don't have funds cut off to Britain if another member state manages to find some comparatively small item of fraud and mismanagement in our own country," he told BBC Radio 4's *The World at One* programme.

Leading article, page 17

Pergau £24m will not be repaid to aid fund

None of the £24 million spent so far on the Pergau dam project will be returned to the Government's overseas aid budget, a Whitehall source said yesterday. Despite last week's High Court ruling that the Pergau scheme was unlawful because it did not promote economic development, the courts had no power to order that money already spent should be reimbursed, the source added. "You cannot change the accounts retrospectively," he said.

Whether the remaining £200 million will be paid from the overseas aid budget or the Treasury's reserve fund will depend on whether Douglas Hurd, the Foreign Secretary, decides to appeal against the ruling and the outcome of that appeal. If he decides to abide by the High Court ruling, the remaining money is likely to be paid from the Treasury's contingencies fund. The disclosure that none of the money already paid will be reimbursed to the overseas aid budget is expected to add to Mr Hurd's discomfort when he faces a Commons foreign affairs debate on Thursday over the aid-for-arms allegations.

Letters, page 17

Tories pick candidate

Struan Stevenson, 46, has been selected as Tory candidate for the seat held by Sir Hector Monro, the Scottish Office minister who will retire at the next general election. Mr Stevenson, married with two sons, is a councillor. He owns a farm in Ayrshire and is director of a public affairs company. He enlisted the support of the Duke of Wellington and David Puttnam, the film producer, in a campaign to stop pylons being built across a valley. Hector's majority in Dumfries at the last election was 6,000.

Cyclist hurt in brawl

A leading racing cyclist was seriously ill last night after being hurt in a brawl outside a nightclub. David Reynolds, 27, was on a life-support machine in intensive care at Bradford Royal Infirmary where his condition was said to be critical. Mr Reynolds, who won the leading young rider title in the Milk Race for three successive years and was riding this season for the Leontovets team, was taken to hospital after an incident outside Maestro's club in Bradford.

Tree house appeal fails

A man who built a tree house for his two children was ordered by a planning inspector yesterday to tear most of it down. David Jones, a building surveyor, and his wife Lynn lost their appeal against an enforcement order from the local council requiring them to remove wooden cladding and the roof from the tree house built for their son and daughter. Neighbours in Wallington, south London, had complained that it was an eyesore, and that the children used it to spy on them.

Rapist moved in secret

A man who is due to be freed from prison tomorrow after serving three and a half years of a six-year sentence for raping a girl aged nine has been transferred to another jail to prevent him being attacked as he leaves prison. The prison authorities secretly moved Robert Matthews, 24, from Albany jail on the Isle of Wight after fears that a violent public backlash would put his safety at risk. Last week the girl's mother was granted a court order banning Matthews from contacting the family.

Promotion hopes denied

A former servicewoman who is seeking £505,000 damages for being dismissed after becoming pregnant was not good enough to stay in the Army on a regular commission, an industrial tribunal was told yesterday. Former Captain Abigail Kirby-Harris, who was forced to leave in 1982, had expected to be promoted to major in the Royal Army Education Corps but her chances of obtaining a regular commission were "nil", Colonel Derek Parsley said. The hearing at Bristol continues.

£900,000 damages

A woman has been awarded £900,000 damages for her brain-damaged husband, who can only "speak" by blinking his eyes. The award, made to Sue Byrne at Bristol Crown Court, was the result of a head-on crash in a country lane four years ago which left Jim Byrne almost completely paralysed. The award marks the end of a four-year battle for compensation after the accident, which left Mr Byrne dependent on his wife 24 hours a day, seven days a week, at their specially-adapted home.

Morse back on the case

ITV is to repeat all 28 episodes of *Inspector Morse*, starting next April, and is to make at least one new television film featuring the high-brow Oxford detective, played by John Thaw. The last series achieved a record audience of more than 18 million, and the programme has been sold to nearly 50 countries. ITV is understood to have paid Central Television about £5 million for the episodes. Mr Thaw stars as a barrister in a new ITV series, *Kavanagh*. QC, made by some of the original Morse team.

Baby goes on air

After a year of relentless bad news and emotional turmoil, including an armed robbery, a runaway teenager and a fatal car crash, listeners to *The Archers* celebrated the arrival of Shula Hebdens' baby. Sam Rowley, who plays Daniel Mark Archer Hebdens, made his debut on Monday night. Several weeks after the show's producers met his mother Alison, a barrister, while she was expecting in Solihull Hospital. The search for a baby took the producers to maternity wards throughout the West Midlands.

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Lyme Bay canoe trip 'was nothing short of folly'

By KATHERINE KNIGHT

EIGHT pupils in the Lyme Bay canoe tragedy joined hands and sang to keep their spirits up as they drifted helplessly in choppy seas during an expedition which was led by novice instructors and "nothing short of folly", a court was told yesterday.

Four drowned on the expedition of eight pupils, a teacher and two instructors, Neil Butterfield, QC, told Winchester Crown Court. He said that Dean Sayer, 17, Claire Langley, Rachel Walker and Simon Dunne, all 16, died because of gross negligence on the part of two leisure centre bosses and the company that owned the adventure centre from which they set out.

Peter Kite, 44, managing director of Active Learning and Leisure Ltd, Joseph Stoddart, 53, manager of the Outdoor Centre, and GLL Ltd, each denied four counts of manslaughter and gross negligence by failing to provide reasonable care, adequate equipment and staffing.

Mr Butterfield, for the prosecution, said that at about 10am on March 22 last year a party of eight pupils set out from the beach at Lyme Regis. They and their teacher, Norman Poirier, 50, also a novice, were accompanied by Tony Mann, 23, and Karen Gardner, 21, instructors from Active Learning and Leisure, to paddle the two miles across Lyme Bay to Charmouth and back. Neither instructor had any qualification for teaching canoeists, Mr Butterfield said. "Each of them had only recently completed a two- or three-day training assessment in which they received instruction on the basic canoe skills: they were now expected to pass on to the students," he said. In their own training assess-



The four pupils who died during the trip across Lyme Bay were, from left, Simon Dunne, Claire Langley, Dean Sayer and Rachel Walker. Their deaths were the result of gross negligence, the prosecution says

ments Mr Mann and Miss Gardner had been placed in the novice group, receiving the One Star British Canoe Union certificate. "That is the lowest level of competence which can be awarded," Mr Butterfield said. "Neither was in any way qualified or competent to lead or instruct in the sort of activity contemplated on that Monday morning. They were barely sufficiently competent to undertake the journey themselves."

"It was nothing short of utter folly on the part of Stoddart to allocate Mr Mann and Miss Gardner to supervise an expedition such as this. No doubt with the confidence

borne of youth and ignorance Mr Mann and Miss Gardner thought they could manage."

The pupils wore swimming costumes, wetsuits and buoyancy aids, some of which had safety whistles, but no gloves, headwear or footwear. The instructors wore oylon spray decks that spread from their bodies around the cockpit of the canoes to provide a waterproof seal but none of the pupils had these. The instructors had no flares, and a safety boat that had been arranged to operate at Lyme Regis that morning was with sailing dinghies in another area. The Lyme Regis harbourmaster and local coastguard had not been notified.

The weather forecast was for wind starting slightly onshore veering to parallel to the coast. The tide was going out as the canoeists set off. The maximum air temperature was 10C and the sea 9C.

Some of the pupils found the paddling technique difficult. Soon after setting out, Simon Dunne capsized and was assisted back by Mr Mann. "It was not very long before the first signs of serious trouble became apparent," Mr Butterfield said. "Mr Poirier was having 'almost difficulty' keeping balance in the less stable Laser 350 canoe like those used by

the instructors. He capsized soon after setting out and was assisted back but after a few strokes he capsized twice again. By this time the group had drifted out to sea and along the coast towards Charmouth. The pupils were instructed to perform a "rafting up" manoeuvre, bringing them abreast with each other, holding on to the adjacent canoe. The object was to keep the pupils together and under control. But the raft started to drift further out to sea and away from Mr Poirier and Mr Mann. Two pupils tried to

paddle the raft back towards them and the shore. "But the wind was getting stronger and the waves bigger. The situation was rapidly deteriorating," Mr Butterfield said. Dean Sayer capsized but got back in "very shaken". Other members of the group were upset, frightened and sick but each did their best to encourage and support their friends. "They sang together and tried to laugh and joke and did everything they could to help one another in a desperate hour," Mr Butterfield said. "The great courage and bravery each one showed, both

then and later that day, is a lasting testament to every one of them." He included Miss Gardner in that tribute. Miss Gardner thought by noon that someone from the activity centre would be at Lyme Regis to collect them and their failure to turn up would be noticed. "It was not to be so," Mr Butterfield said. Dean Sayer capsized again, his canoe floated away and Miss Gardner got him to lie across the rafted canoes. Simon Dunne also capsized and he too climbed on the raft when his canoe drifted away. By this time it was early

afternoon and Mr Mann and Mr Poirier were "specks in the distance".

Marie Rendle capsized and joined the others on the raft when her canoe floated away. Within 20 minutes the remaining canoes except one were full of water and had to be abandoned. Eight of the group were in the sea, holding on to the remaining kayak.

Finally Samantha Stansby's craft capsized and everyone clung to her boat. They tried to swim to shore using the canoe for buoyancy. Because of tiredness and cold, some were showing signs of hypothermia and drifting in and out of consciousness.

By 3pm, with no sign of rescue, the last canoe started to sink and Miss Gardner told the group to abandon it and link arms. "Samantha Stansby and Emma Hartley struck off on their own towards the distant coast in a last vain, desperate attempt to get help," Mr Butterfield said.

Mr Mann and Mr Poirier were rescued at 5.30pm, three-quarters of a mile off West Bay, having been swept eight miles along the coast. The main group of seven were picked up a few minutes later, 2½ miles from shore and 3½ miles from Lyme Regis. At about the same time, Samantha Stansby was picked

up half-a-mile nearer the coast and Emma Hartley was rescued at 6.40pm.

The first indication that something was wrong was around noon when the activity centre handyman took the safety boat to Charmouth but saw no sign of the group. At 12.25pm he told Mr Stoddart that the group had not returned. Mr Stoddart made a 30-minute trip in the safety boat but found nothing. He did not contact coastguards, Mr Butterfield said.

At 2.40pm the fishing boat Spanish Eyes reported finding an empty red canoe 12 miles off Charmouth. At 3.07pm, at the suggestion of the Lyme harbourmaster, Mr Stoddart contacted coastguards.

Mr Butterfield said jurors may have to ask why Mr Stoddart delayed so long. The Coastguards began a shore-based search and when that proved negative initiated a helicopter search. The first of four helicopters was scrambled at 3.56pm. The search was made more difficult because the canoeists were not wearing coloured helmets.

Mr Butterfield said it was the Crown's case that the crossing by "nine total novices" who had received only one afternoon's instruction should never have taken place. The hearing continues.



Joseph Stoddart, left, and Peter Kite, pleaded not guilty

Garage owner 'shot inspectors in cold-blooded execution', court told

By KATE ALDERSON

A GARAGE owner murdered two Department of Transport inspectors with a sawn-off shotgun in a "cold-blooded and premeditated execution", a court was told yesterday.

The men were carrying out a routine inspection of one of Thomas Bourke's garages in Stockport, Greater Manchester, when a gunman wearing a "grotesque Halloween mask" shot them in the head at point-blank range after one of them unwittingly let him in.

Mr Bourke, 32, denies murdering Alan Singleton, 56, and Simon Bruno, 28, last November. Peter Openshaw, QC, for the prosecution, told

Manchester Crown Court: "There can be no doubt that whoever fired those shots intended to kill those two men." There was some evidence to suggest that Mr Bourke bore a grievance against the Department of Transport in general and Mr Singleton in particular.

After a complaint by a customer over an MOT certificate issued by one of Mr Bourke's garages, Mr Bruno and Mr Singleton visited Chestergate Autos on November 22, 1993. David Mitchell, the garage manager, seated the two men in the office.

When someone tried to open the office door, Mr Bruno, "thinking nothing was amiss,

leaned forward and released the bolt", said Mr Openshaw. "A man walked in. Without saying a word, he fired first at Simon Bruno and then at Alan Singleton. Each suffered dreadful head injuries and each died instantly."

Mr Mitchell, the only person to witness the murders, told the court that Mr Bourke had said nothing, fired two shots and walked away. Mr Mitchell watched Mr Bourke leave the garage in a red Ford Sierra, fitted with false number-plates. Mr Bourke removed the mask and turned around to look at Mr Mitchell.

Mr Openshaw told the jury there was no forensic evidence to implicate Mr Bourke; the

clothes he had been wearing that day had been burnt.

Mr Bourke's garages all dealt with cheap MOT tests, the latter being a valuable source of income. In October 1993 one of the four garages went into liquidation and Mr Bourke was told he would no longer be allowed to carry out MOTs at that premises.

Mr Bourke went for a meeting at the Transport Department's inspection offices in Bredbury attended by Mr Singleton and another official, Malcolm Jones. Mr Bourke was told he could re-apply to do MOTs. His application was later turned down in a letter signed by Mr Singleton. The trial continues.

Rapist's victim memorises route

By DOMINIC KENNEDY AND KEVIN EASON

A WOMAN was raped after a man wielding a knife hijacked her car as she parked outside her home. The 27-year-old married woman, who was blindfolded for part of her ordeal, memorised the route over which she was taken by car and on foot.

Her instructions yesterday led police to the scene of the crime. Detectives said that the "brazen and confident" rapist could strike again.

The victim, a professional woman with no children, returned from work at 6.10pm on Monday and parked her red Ford Fiesta XR2 near her house in Bathwick, a busy residential area within a mile of Bath city centre. A stranger opened the driver's door and pushed her into the passenger seat.

He drove five miles to a layby on the A36 Bath-Southampton road, blindfolded her and tied her hands behind her back. He continued driving, holding the 8in blade to the woman's throat and side. The car stopped again and she was forced to stumble through the darkness to a grassy area where she was subjected to a "particularly nasty rape" and

indecent assault. The man drove his sobbing victim, with her hands still tied, close to her home, pulled a black plastic carrier bag over her head and removed the blindfold. As soon as he left, she struggled free and called the police. Yesterday she took officers to the A36 layby.

Insp Phil Nicholls said: "She remembered the car was driven a short distance and turned right. Then it went fairly slowly and seemed to be labouring, giving the impression it was going uphill in a twisty, bendy road."

"She recalled the car being parked in another layby. She was taken out of the vehicle and had to climb through something. She remembered banging her head and hitting her leg on something metal. Then she was taken into what she thought was a wooded area."

Police discovered the metal gate through which she had stumbled and, in a copse near Bath University playing fields, evidence of the attack. The rapist is described as aged 28 to 30 and 5ft 7in. He wore a woollen hat and dark pullover.

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SATURDAY IN THE TIMES



Married to
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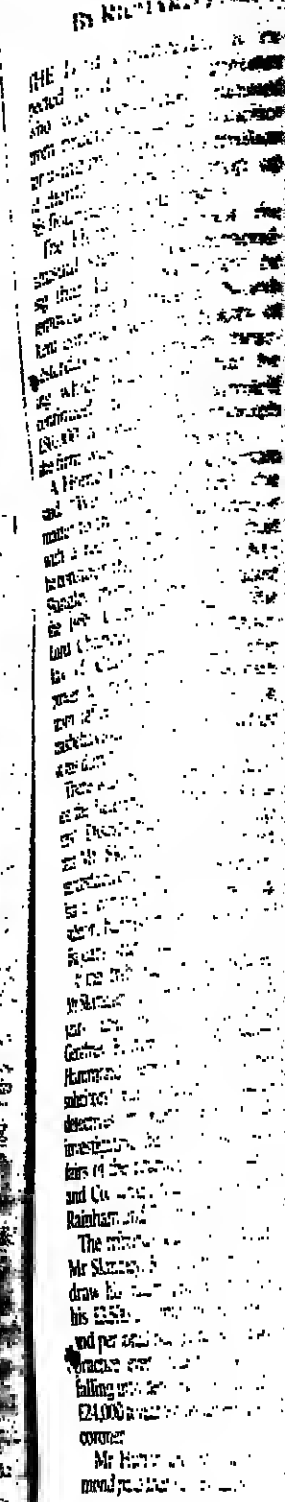
GINNY DOUGARY MEETS
BETTY MAXWELL

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Struck off solicitor faces sack as coroner

By RICHARD FORD, HOME CORRESPONDENT

THE Lord Chancellor is expected to dismiss a coroner who was yesterday banned from practising as a solicitor for using more than £1 million of clients' money to prop up his floundering business.

The Home Office took the unusual step of recommending that Lionel Skingley be removed from office as North Kent coroner within hours of yesterday's disciplinary hearing, which was told that he continued to pay himself £80,000 a year even though the firm was losing money.

A Home Office spokesman said: "We have referred the matter to the Lord Chancellor with a recommendation that he consider the removal of Mr Skingley from office." Under the 1988 Coroners Act, the Lord Chancellor, Lord MacKay of Clashfern, has the power to remove a coroner from office "for inability or misbehaviour in the discharge of his duty".

There was no evidence during the hearing of the Solicitors' Disciplinary Tribunal that Mr Skingley had acted unsatisfactorily as a coroner, but a coroner must be a solicitor, barrister or doctor of five years' standing.

At the tribunal in London Mr Skingley, a coroner for 16 years, and two colleagues, Geoffrey Hufon and Robert Hammond, were struck off the solicitors' roll. Fraud squad detectives in Kent are still investigating the financial affairs of the practice, Skingley and Co, which had offices in Rainham and Tonbridge.

The tribunal was told that Mr Skingley, 50, continued to draw his salary and to have his £3,500 a month mortgage and personal bills paid by the practice even though it was falling into debt. He was paid £24,000 a year for his duties as coroner.

Mr Hufon and Mr Hammond paid themselves

and £38,157, respectively, in 1991-92, compared with the £36,779 Mr Skingley received. Mr Hufon, 45, who had paid £18,000 to join the practice, came into the office at weekends with his wife to clean and redecorate.

The three men were accused of a breach of accounting rules and of misusing clients' money for their own purposes. The practice had debts of more than £1 million and £300,000 in pending claims. The Law Society's compensation fund has paid out £1.1 million.

John Rouse, chairman of the tribunal, said: "All the respondents knew they were making improper misuse of clients' accounts and, regardless of whether they benefited to a greater or lesser extent, in our profession such deliberate action does amount to dishonesty."

The hearing was told that the business began to go wrong because Mr Skingley, 50, of Headcorn, was working hard at his public duties as a coroner and as chairman of a social security appeals tribunal. He failed to supervise adequately his business even though he knew there were money problems.

Andrew Hopper, for the Law Society, said the solicitors' new office in Tonbridge ran into difficulties and money was transferred client accounts to office accounts to "keep the bank happy". He said: "It is politely referred to as a few cash problems by Mr Skingley. It is not a fact of whether there was any bounced cheques but which cheques are we going to bounce today?"

James Wadsworth, QC, for Mr Skingley, who has three adult children and two stepchildren, said his client had only sought to keep the bank satisfied. "This is not milking a business and living the high life."



John Crumitie accused of firing four shots at Gary Colley as he tried to drive away

Florida drops death penalty for teenager

Youth goes on trial for killing British tourist

By OUR FOREIGN STAFF

THE trial of a teenager for the murder of a British tourist in Florida began yesterday with prosecutors saying they would not seek the death penalty for the youth.

The state is asking for a life sentence for John Crumitie, 17, the first of two youths to go on trial for the murder of Gary Colley, a Yorkshire lorry driver whose killing at a highway service station in September 1993 drew worldwide attention to Florida's high crime rate and badly damaged its £20 billion tourist industry. Mr Colley was the ninth tourist killed in Florida in a year.

In exchange for the state's agreement to drop the death penalty, Crumitie's lawyers withdrew a motion to disqualify the jury pool gathered for the grand jury that indicted Crumitie last year. Mina Morgan, for the defence, had argued that the panel was chosen from a pool that excluded anyone over 70.

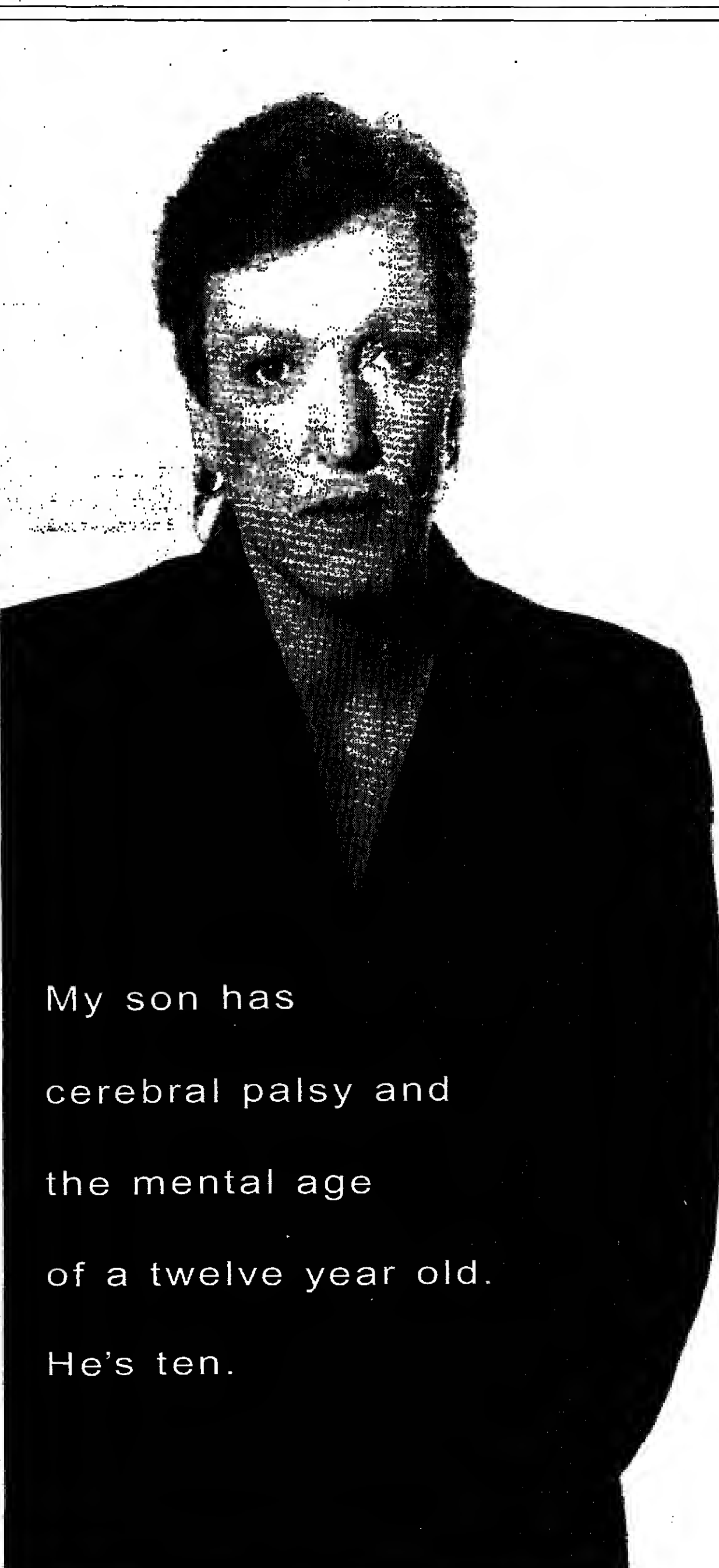


Margaret Jagger and Gary Colley: shot as they rested

Miss Morgan told the judge: "Those over 70 are closer to death than most of us here and are less likely to invoke the death penalty."

Crumitie, who faces charges of murder and attempted murder, is accused of shooting Mr Colley as he tried to drive away during a robbery attempt. Prosecutors say that Crumitie and three companions had earlier stolen a car and told friends they were going to the isolated

services to rob someone. Mr Colley's girlfriend Margaret Jagger, who was injured in the attack, told the court in Monticello that the couple were resting in their hire car when two gunmen knocked on the window. "I saw a black face staring into the car with a gun," Miss Jagger said. When Mr Colley tried to drive away, they fired at least four shots into the car. The trial is expected to last a fortnight.



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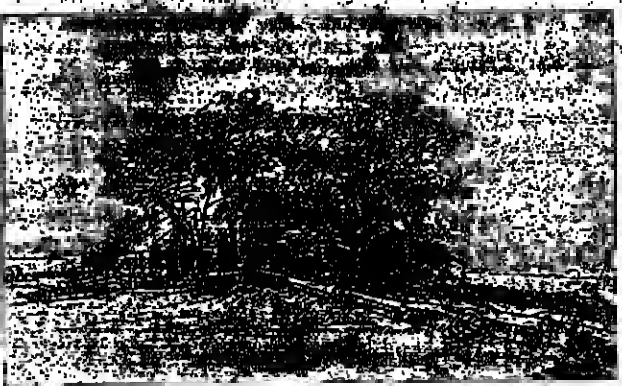
But everyone else still has a lot to learn

about cerebral palsy.

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The drawing compares with works in collections

Unknown Rembrandt sells for £125,000

By DAVID ALBERGE, ARTS CORRESPONDENT

A PREVIOUSLY unknown drawing attributed to Rembrandt and discovered in a Scottish private collection has sold for about £125,000 at Christie's in Amsterdam.

The landscape in brown ink, a composition of a farmhouse nestled among trees — a theme to which the 17th century Dutch Master often returned — went to an anonymous German bidder, who paid more than double the high estimate. The structure near the house is believed to be an outside lavatory. The woman carrying milk pails is an unusual detail.

A Farmhouse among Trees, believed to date from the early 1650s, was found in the collection of the Marquis

of Lansdowne. Christie's pointed out that the use of lightly-washed paper to achieve a warm tone is characteristic of drawings of the period. There are comparable images in public collections such as the Albertina, Vienna.

The work's authenticity was confirmed by two Rembrandt specialists, Martin Royalton-Kisch at the British Museum, and Peter Schatborn at the Rijksmuseum, Amsterdam.

Rembrandt attribution is, however, not an exact science. The Rembrandt Research Project, a group of Dutch scholars, has determined that Rembrandt was not responsible for many works hitherto attributed to him.

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Exam chief doubts value of vocational A levels

By JOHN O'LEARY, EDUCATION EDITOR

THE head of a leading examinations board cast doubt yesterday on the quality of vocational qualifications that are to be extended to younger age groups this week.

"Life would be a doddle if we were under the GNVQ regime," Dr Michael Halstead said, comparing standards of vocational and traditional academic A levels. The secretary-general of the University of Cambridge local examina-

tions syndicate told teachers and university admissions tutors that he would not want his board associated with the General National Vocational Qualification until questions of quality were resolved.

Gillian Shephard, the Education Secretary, is expected to announce 90 pilot GNVQ courses for 14 to 16-year-olds tomorrow. The first programmes for sixth-formers and college students have

been highly popular and successful as a route into higher education. Academics and schools inspectors have criticised assessment methods for the vocational courses.

Tim Boswell, the higher education minister, told the conference in Cambridge that accounts of the inspectors' criticisms were exaggerated. Their verdict had been "reassuring" about standards. "GNVQs are new qualifica-

tions. Obviously their impact on higher education has so far been limited. But most higher education institutions are already proving to be open-minded and receptive to candidates with advanced GNVQs," he said.

In a subsequent address to the conference, organised by the University of North London, Dr Halstead said: "I am not sure that the quality is there that I would want to have my examining board's name associated with it."

Ministers considered postponing the launch of vocational qualifications for the younger age group until criticisms of the first programmes had been satisfied. But they are anxious that the widening of the school curriculum should continue on schedule.

Schools will be able to fill the equivalent of one day a week with vocational courses, including programmes on information technology and leisure and tourism. The programmes will lead to the advanced level GNVQ, which ministers expect students to mix with A levels.

Error wrecks college chance

A MISTAKE by A-level examiners has robbed Zoe Davidson of a place at university. They wrongly docked three marks from her history paper, turning a pass into a fail (Paul Wilkinson writes).

By the time the error was discovered Miss Davidson, 19, of Ashington, Northumberland, had lost her chance of a place on an English and history course at Worcester or Homborside. She said yesterday: "I am very angry."

It has taken a year out of my life and I've been left behind when my friends have gone to university and college."

Norma Davidson, her mother, said: "Someone has to answer for it because you hear about some young people taking their own lives over exam failures."

A board spokesman said the mistake happened "despite extensive checking and monitoring procedures and these are now being reviewed."



Davidson: "very angry"



The Duke of York arriving in Argentina yesterday. No national anthems were played

Argentine extremists threaten royal visit

FROM EVAN DYER IN BUENOS AIRES

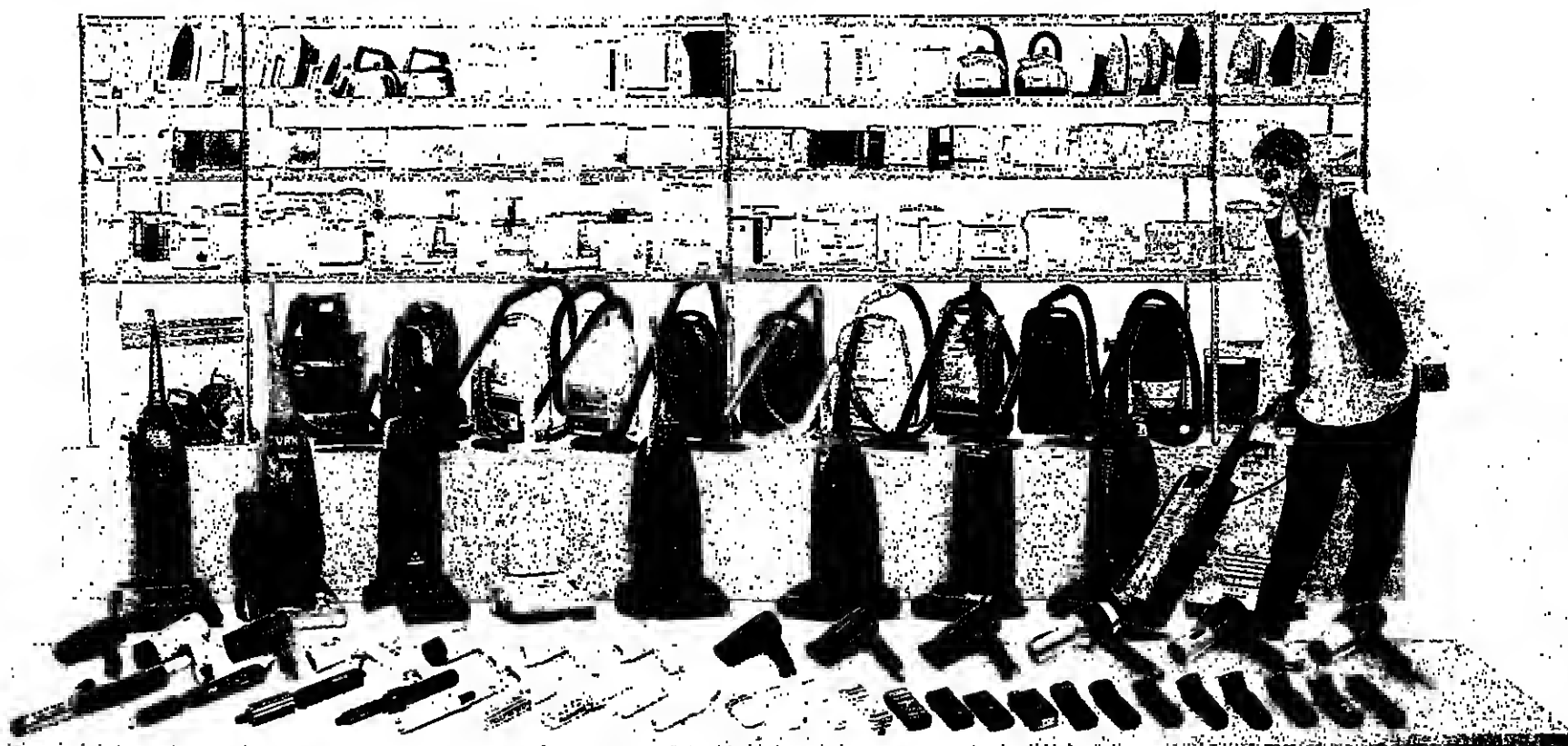
NATIONALISTS in Argentina were threatening to disrupt the Duke of York's visit to the country as he arrived in Buenos Aires yesterday.

The Duke, who served in the Falklands as a navy helicopter pilot, is the first member of the royal family to visit Argentina since the 1982 conflict. He was accorded a military welcome by veterans of the conflict and greeted by Guido Di Tella, the foreign minister, but no national anthems were played. He later inspected a guard of honour from the air force.

Nationalists and left-wing extremists said they planned to demonstrate last night at the British Embassy, where the Duke was due to launch a new series of Range Rovers. Raul Gaitan, radical leader of Argentina's lower house, said President Menem's decision to treat the Duke as a foreign dignitary when Britain refused to consider Argentina's claim to the Falkland Islands was an insult.

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SHEEHAN on BRIDGE

Dealer West

Game all

♠ J 10 7 8
♥ 8 5 3 2
♦ J 8 2
♣ K J

♠ K 3
♥ 7
♦ 7 3
♣ A 10 9 8 7 6 4 2

♠ A Q 8 5 4
♥ 10 5 4
♦ 10 4
♣ Q 3

♠ 2
♥ A K Q J 7 6
♦ A K 6 5 5
♣ 5

W Pass
N Pass
E Pass
S Pass

Opening lead ♠A

By ROBERT SHEEHAN
BRIDGE CORRESPONDENT

Above is a hand from this year's Jersey tournament. East's decision to go to Five Clubs over South's Four Hearts should have worked well. What should West do after cashing the ace of clubs, on which East plays the queen? Answer: It is clear West should switch to a spade, even without East's suit preference play of the queen of clubs. West knows from the bidding that South has at least ten red cards, and given time South will throw away any spade loser he has on dummy's king of clubs.

At the table West made that

deduction, but unfortunately he decided to lead the king of spades. Now East had a problem. He eventually decided the defence's best chance to beat the contract was to take two spade tricks, so he overtook the king of spades, and played the queen, hoping West's king was singleton. The declarer ruffed the spade high, and now had eleven tricks — two spades, six hearts, two diamonds and a club.

West could have avoided this accident by switching to a low spade at trick two. East can take the ace and return a spade, but now the declarer only has ten tricks and West eventually makes the queen of diamonds.

KEENE on CHESS

By RAYMOND KEENE
CHESS CORRESPONDENT

Prodigal's return

After a superb diplomatic effort by Jon Speelman, it appears that Nigel Short is prepared to play for England in the Moscow Olympiad at the end of this month. Short had refused to play because he objected to the British Chess Federation's choice of Murray Chandler as captain.

Now that Speelman has intervened, reason appears to have broken out and it is likely that England will field its strongest team. England has a fine record in the Olympiad, having taken silver in 1984, 1986 and 1988.

Pax Kasparov

Garry Kasparov has come out in support of his former arch-rival, Florencio Campomanes of the Philippines, to retain his Fide presidency in an election concurrent with the Olympiad. Campomanes had earlier indicated his intention to stand down. There are three candidates, Bachar Khouly of France, Georgios Makropoulos of Greece and Josep Durao of Portugal.

If Campomanes decides to stand he is bound to be favourite. Last year Kasparov launched the Professional Chess Association as a counter to Fide and Campomanes. A compromise between the two organisations was on the cards when the PCA intervened last month to save the Olympiad and relocate it in Moscow when Fide's plans to hold it in Greece fell through.

Kasparov said this week: "Campomanes has dictatorial methods but he is the only candidate who can guarantee an accord. The PCA now controls elite chess while Fide with its 153 member countries offers a valuable infrastructure. I foresee a compromise

whereby the champion of the PCA, [Kasparov] and the champion of Fide [Karpov] play a match to unify the two titles."

Speaking from Ubeda, Spain, where he defeated Joel Lautier of France 3½-1½, Karpov said: "I heard that Campomanes would be Fide president again. This would be a disaster for Fide."

Karpov wins

White: Anatoly Karpov
Black: Joel Lautier
Match Ubeda, Spain, 1994

Ray Lopez

1. e4 e5
2. Nf3 Nc6
3. Bb5 Bc5
4. Nc3 Qc7
5. Ng5 Bg4
6. Nf3 Bc5
7. Bc4 Bc5
8. Qd3 Bc5
9. Qd3 Bc5
10. Nf3 Bc5
11. Nf3 Bc5
12. Qd3 Bc5
13. Bc4 Bc5
14. Qd3 Bc5
15. Re1 Bc5
16. Kh1 Bc5
17. Bf3 Bc5
18. Bg2 Bc5
19. Bc4 Bc5
20. Bc4 Bc5
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41. Bc4 Bc5
42. Bc4 Bc5
43. Bc4 Bc5

Winning Move, page 48

Bottomley defends NHS chief in ethics dispute



Bottomley: praised trust's quality of patient care

VIRGINIA BOTTOMLEY, the Health Secretary, spoke out in defence yesterday of the NHS trust chairman, who was heavily criticised at the weekend for saying that a doctor's first duty was not to his patients but to his employer.

Roy Lilley, chairman of the Homewood Trust in Surrey, angered medical organisations when he said that only when doctors had met that obligation and ensured that they were properly trained and organised could they fulfil their third duty — to their patients.

The British Medical Association said that his remarks ran counter to medical ethics and condemned them as "completely outrageous". The National Association of Health Authorities said that he had failed to appreciate the "delicacy of the doctor-patient relationship".

However, Mrs Bottomley delivered a ringing endorsement of Mr Lilley's achievements and advised his critics to judge him by his results. Speaking at a news conference to launch the NHS's annual

■ The Health Secretary is urging critics of an NHS trust chief to judge him by his achievements rather than his controversial comments about doctors' loyalties, Jeremy Laurance writes

report, she said the Homewood Trust, which cares for people with learning disabilities and mental health problems, offered a high-quality service.

"People who want to debate Roy Lilley's remarks should go and visit his trust. Patients there receive a quality of care and support which cannot be bettered anywhere. They should take his comments in the context of his results," she said.

"Of course patients must come first. But we do need a commitment to the organisation. Health care is a team business. It involves a raft of other professionals besides doctors — including managers."

Mrs Bottomley's support for Mr Lilley comes after the health department issued a statement at the

weekend dissociating her from his remarks. The move indicates that ministers are anxious to support those who they see as driving the NHS reforms forward after cases in Brighton and Burnley where consultants have ousted high-profile managers.

However, NHS managers in Basingstoke were criticised yesterday by a consultant who resigned, accusing them of destroying staff morale. Dr Tim Nash, consultant anaesthetist at Basingstoke district hospital and president of the Pain Society, said the trust board had "no real knowledge" of the hospital or its staff.

"The hospital is losing its way. A good business communicates with its workforce and gets its workforce to co-operate. That's not

happening here," Dr Nash, who is moving to the Walton Centre for Pain Relief in Liverpool in January, said morale at the hospital was the lowest he could remember in 18 years.

□ The Government was criticised by a judge yesterday for the third time in a week over the shortage of beds for mentally ill patients.

A Crown Court judge brought a civil servant from the Welsh Office before him to provide an explanation of why secure hospital accommodation could not be found for a violent, mentally ill defendant.

Judge Prosser told Ian Heppelstone, from the Welsh Office's health division, that the lack of places was intolerable. He then launched into an attack on the Government and ordered the Welsh Office to scour the country for a bed.

"I am not criticising you personally, but I want you to take this back to your superiors," the judge told Mr Heppelstone. "It is not good enough for the Welsh Office or the

Government to have a policy where people are allowed onto the streets to kill people when, by spending some money, they could find beds for them. Take that back to the Secretary of State, and if it means having more money from the Government, then do it."

The judge's outburst came after he had tried over several months to sentence a 36-year-old man to detention under the Mental Health Act 1983. Responsibility for finding secure accommodation in Wales lies with the Welsh Office.

When the man appeared again at Newport Crown Court, Gwent, for sentencing yesterday, the Welsh Office had still not replied and all efforts to find a bed through other avenues had failed.

In England the Health Department is responsible for finding accommodation in such cases and twice in the past week Virginia Bottomley, the Health Secretary, has been ordered by judges to explain why there are bed shortages for mentally ill offenders.

NEWS IN BRIEF

Killer lurked in frozen burger

A man who undercooked and ate a frozen beefburger infected with a common bacteria died in hospital three weeks later from multiple organ failure, despite three operations. Manchester coroner Leonard Gorodkin, recording a verdict of death by misadventure on Carl Featherston, 31, said: "Provided meat is thoroughly cooked there is no danger to the consumer."

The burgers had been frozen after being bought on a market stall, but the coroner said the bacteria, often present in minced beef, was not the fault of the supplier. "It is believed 1 per cent of cattle in the UK has the infection."

Detective sacked

Det Insp Richard Block, 44, who was fined £400 and banned for 18 months for drink-driving last month, was dismissed after a disciplinary hearing. Block, based at Colchester and 25 years with the force, was stopped while driving an unmarked police car.

West's remanded

Frederick and Rosemary West, accused jointly of nine murders, were remanded in custody for another month by Gloucester magistrates. It had been expected that a date for committal proceedings would be fixed. Mr West, 53, of Cromwell Street, Gloucester, has also been charged with three other murders.

Appeal rejected

A Wren cashier on HMS *Invincible* who jumped ship in Corfu with her sailor lover and £11,000 from the safe lost an appeal in London against her 18-month jail sentence. Sylvia Panier, a 27-year-old petty officer, from Camberley, Surrey, was found guilty in March of theft and desertion and dismissed the service.

Cannabis seized

Police who raided a cannabis "farm" in Lingfield, Surrey, seized 100 plants, hidden in lorry containers, which would have produced drugs with a street value of £4 million. Two men were arrested at the scene and a third was arrested later in Staines. Police believe the drugs were shortly to reach the street.

Cyanide alert

A health warning was issued after a syringe of potassium cyanide capable of killing hundreds of people was stolen from a numismatist's house in Heme Bay, Kent. "Just one drop is enough to kill someone," Kent Police said, appealing for the syringe to be handed in. The cyanide liquid is used to clean old coins.

Stab man named

The Briton stabbed to death in the Canary Islands last weekend was identified by Spanish police as Mark Hosie, 34, of Blackpool. They said that Mr Hosie, who died on Grand Canary, where young Britons sell drugs and timeshares, was wanted for questioning by British police and had used a false passport.

Fowled up

A town council is to buy a £10,000 vacuum cleaner to clear up goose droppings. The problem is caused by Canada geese, wintering at Cotswold Water Park, which land on a park lake next to Cirencester Abbey, Gloucestershire, and leave their mark on the banks. The clean-up device was designed to dispose of dog dirt.

Charities may wait a year for lottery cash

BY JON ASHWORTH AND ALEXANDRA FREAN

CHARITIES may have to wait up to a year to receive funds from the National Lottery, it has emerged. The first payments to good causes will not take place until next spring at the earliest, raising questions about the methods by which lottery proceeds will be distributed.

The 10,000 shops, garages and other participating retailers must place money raised by ticket sales into specially designated bank accounts. Camelot, the lottery operator, will "sweep" the accounts in two stages — at noon on Monday for multiples and at noon on Wednesday for every-one else. Camelot has until

3pm on Tuesday to pay the sum owing to the five good causes — the arts, sport, charities, National Heritage and the Millennium Fund — into the National Lottery Distribution Fund. The amount will vary from 22-32p in the pound, depending on the volume of sales. The shortfall between Tuesday's payment and Wednesday's collection from retailers will be covered by Camelot.

Peter Davis, director general of the National Lottery, will receive a weekly report on the value of tickets sold and the proportion of sales transferred to the fund. Camelot is obliged to submit an audited annual report, including a summary of ticket sales, prize payouts, fund proceeds, Treasury duty and marketing expenditure.

Money paid into the fund becomes the responsibility of the Department of National Heritage. Cash will be channelled into 11 accounts where it will earn interest while claims are appraised.

The money will be invested by the National Debt Commissioners in the same way as other government funds are invested, earning less than top rates of interest but with the emphasis on safety. Interest earned will be added to the overall pool in each account. Guidelines on distributing funds are being drawn up and applications open on January 4. The first payments are likely to be made by April.

The earliest beneficiaries will include arts and sports projects, but distribution to charities is likely to prove more problematic. Not only is the National Lottery Charities Board new and untested but it faces unprecedented demand from charities of all sizes.

The Government is anxious that the systems for distributing funds should be beyond reproach. It would prefer to wait until the systems have been tried rather than risk the threat of fraudulent claims.

□ ITV announced that it is taking the unprecedented step of suspending commercial breaks for about 50 minutes on Saturday evening in an attempt to woo viewers away from BBC's first live televised National Lottery draw.

Leading article, page 17
Media, page 39



Dancers step out for Fame

The chance of stardom drew these leotard-clad dancers and more than a thousand others to audition for *Fame* — The Musical in London yesterday. Billed as "the show that will live forever", *Fame* is based on the emotional and physical convulsions of starlets at the New York School of Performing Arts (Lucy Berrington writes). Many of the current hopefuls, girls and boys aged

17 to 20, tried out in London: hundreds more attended auditions last week in Glasgow and Manchester. The musical, which follows a film, a television soap opera and several hit records in the 1980s, is the brainchild of David de Silva, who produced the film for MGM. "It's

youthful idealism and 'live' performance energy will be an inspiration to young people everywhere," he said. It will be produced by Michael White, whose work includes *Crazy For You*, and is due to open next June at the Cambridge Theatre in the West End of London. De Silva and the producers were looking for 25 dancers, not necessarily established performers. A spokesman for the show said that yesterday's audition near Leicester Square was attended by "everyone from drama school people to professional dancers to acrobatics instructors to people who've never danced in their lives. A lot of girls went away disappointed, but that's inevitable," he added.

Youth in gang 'scalping' attack on Asian walks free

BY A STAFF REPORTER

A TEENAGER who took part in a "savage" race attack in which an Asian youth had his scalp kicked off walked free from court yesterday because of sentencing restrictions. Mukhta Ahmed's head was kicked "like a football" by a 20-strong gang, Inner London Crown Court heard.

The attack left the 18-year-old Bengali with his "scalp detached from his skull" and other "dreadful injuries". Judge Rountree sentenced Nicky Fuller, 17, who is part Bengali himself, to 11 months in a young offenders' institution. But the time Fuller had spent in custody on remand meant he had effectively served the sentence and he was released. The court heard earlier that if new Criminal Justice Bill provisions, due to come into force next year, had applied at the time of the attack last February, Fuller



Mukhta Ahmed suffered "grotesque" injuries

could have been detained for two years. John Hardy, for the prosecution, told the court that the attack happened after Mr Ahmed became separated from five Asian friends as they ran away from white youths. Trapped in a dead-end near

Honeymoon over for noisy rabbits

BY PAUL WILKINSON

TWO pet rabbits which kept neighbours awake all night with the sound of their mating are to be forced to live apart. The compromise between Frances and Ernest Haskins and the owner of the rabbits, Amy Hartley, 11, and her mother Joyce, was announced yesterday before magistrates in York.

Mr and Mrs Haskins had brought a private summons against Mrs Hartley, claiming a criminal breach of noise abatement legislation, but they agreed to a one-month adjournment to see what happens when Smudge, Bobby and their offspring, Liqueur, are moved into separate cages in a wooden shed.

After the hearing Mrs Hartley, who had denied any offence, said: "I will put up the shed as a sound barrier by the end of the month but it will be a struggle. I have three child-

ren and Christmas is approaching." The rabbits, which cost £5 each, had already cost her a fortune in legal fees, she said. "Sometimes I wish I'd never seen them, but they are my daughter's pets and she loves them dearly. For the sake of neighbourly peace I will give it a go."

Mr Haskins, 60, a retired crane driver, agreed reluctantly to the experiment, but he said he wanted a week's trial after the shed was put up. The start of the hearing had been delayed by Alf Peacock, chairman of the bench, to give both sides time to find a solution. However, it will go ahead in a month's time when the experiment will be evaluated.

Mr Haskins complained that the noise from the rabbits was so bad that he and his wife were becoming ill from lack of sleep.

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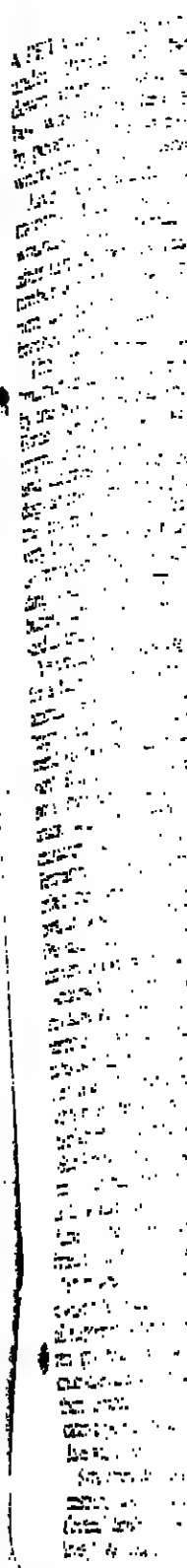
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'Wild' hybrid bred to control rioters Villagers defend wolf-dog that savaged baby boy

By Bill Frost

A PET Canadian timber wolf under threat of being put down after it mauled a baby boy was defended yesterday by people in the Welsh village where the child's family lives.

Jaye, a cross-bred, aged 22 months, had 14 stitches in wounds to his head and face after family pet Ishtar, mostly timber wolf but part husky, bit him as he played with his brother and sister.

The cross-bred was first "manufactured" five years ago by the South African Defence Force, which was seeking to improve the quality, stamina and aggression of its patrol dogs at the height of unrest in the townships. "They have very long fangs which would go through the toughest padding like a knife through butter," an officer in the force said at the time.

Yesterday the RSPCA called for a ban on import of the animal, which it said was "highly dangerous with a tremendous potential for aggression". But Lynn Coxhead, the boy's mother, said that the attack was entirely out of character, and residents in Penrith, Anglesey, described the wolf as "the most popular dog" in the village. One said that it was "gentle and very good with kids".

Andrew Williams, who runs the village garage, said he was planning to buy a timber wolf for his own family. "Ishtar is a lovely dog. I regularly play with him on the forecourt with the children. Everybody in the village knows him and loves him. Ishtar has no enemies at all. It would be a dreadful shame if his owners were forced to put him down."

"From what I can make out it wasn't his fault anyway, it all happened when the children got hold of a box of chocolates and were throwing them around. Ishtar tried to catch a piece of chocolate and Jaye was in the way."

Sybil Jones, the village postmistress, also praised the Coxhead family's pet. "He's lovely," she said. "My son

plays with him regularly. We would all be very upset if he was destroyed because of this."

In South Africa the cross-bred, with yellow eyes and teeth twice the length of a domestic dog's, has struck fear in the hearts of even the most determined demonstrators. Army trainers have learnt to treat them with respect. "Once they have got their teeth through to the flesh they do not let go," one officer said.

A year after the South Africans created the breed, the genetic technology was exported to the United States where wolf-dogs became popular among "rednecks" in the Midwest and affluent crack cocaine dealers in the inner cities.

The American Society for the Prevention of Cruelty to Animals called for government action against breeders, warning that the hybrids were

"very volatile". Stephen Zawistowski, the society's science adviser, said: "When wolf hybrids attack, they do not just bite — they go for the kill. Their behaviour is very predatory."

Yesterday the RSPCA said that 123 of the hybrids were known to be kept in Britain, but the figure might be much higher. Three months ago 20 of the dogs were imported by breeders who sell puppies for up to £300 each.

"It is a wild animal of unpredictable nature and great strength," the society said. "We do not want them destroyed, though, just neutered so no more can be bred."

Mrs Coxhead, whose son is recovering at home after treatment in hospital, said that she and her husband had spent a year considering whether Ishtar was going to be "the correct dog" for the family. "He's not a vicious animal and never has been. We've had him since the day Jaye was born," she said. "Ishtar is now with an expert who is going to assess him and decide whether he is to be put down or goes to another home. He has always been marvellous with the children."

North Wales Police are investigating the incident, although the keeping of a wolf-dog does not come under either the 1991 Dangerous Dogs Act or the Wild Animals Act. "The matter is the subject of an inquiry and once all the facts have been established a decision will be taken as to what action is appropriate," a police spokesman said.

Julie Kelham, who has four hybrid wolves at her home in Newark, Nottinghamshire, said that the breed was fast gaining in popularity in Britain. "My wolf dogs are very friendly and I let my two children play with them," she said. "But like any big dogs, you have to be sensible and I do not leave them alone with the kids."



Ishtar: "the village's most popular dog"

Giles Coren, page 15



Prince Casy leaving court after the exclusion ruling. He tried to snatch the Times photographer's camera

Council bans gang leader from estate

By Richard Duce

A LONDON council was granted a rare exclusion order yesterday, banning a drug dealer for six months from entering an estate where he allegedly terrorised residents.

The Borough of Hackney in east London took the unusual county court action against Prince Casy, 20, arguing that it was the only way to secure the safety of people on the Kingsmead estate.

Cesay has convictions for drug offences. An earlier move to have him jailed for being in breach of an earlier court injunction was dropped on condition that he agreed to the ban imposed yesterday at Shoreditch County Court.

Cesay refused to comment as he left the court and tried to snatch the camera of a Times photographer who was waiting outside to take his picture.

On Monday the council succeeded in another rare legal move by having Cesay's mother, Sylvia Merritt, 42, evicted from her four-bedroom flat on the estate. Together with Cesay and her two other sons, Justin, 22, and Alan, 18, the family was said to be linked with offences of violence, burglary and drug dealing.

Hackney, following an initiative by its housing director Bernard Crofton, has taken the lead in resorting to civil rather than criminal law in tackling troublesome tenants. A number of injunctions are already in place against some tenants who now face jail if they breach them.

Police in Hackney have difficulty in pursuing cases on the Kingsmead estate, which has around 1,000 flats, because witnesses are often too scared to give evidence.

Residents say that Cesay and his family were responsible for a reign of terror which left many people frightened to leave their homes. Mrs Merritt and her sons moved out of the flat before Monday's court judgment and are understood to be living in Walthamstow, east London.

Balmy autumn puts bloom on the cheek of Mother Nature

By Michael Hornsby, COUNTRYSIDE CORRESPONDENT

AN UNUSUALLY balmy autumn is playing tricks with Mother Nature, enticing spring flowers into premature bloom and granting summer plants an extra lease of life.

Viburnum and jasminae are among spring plants reported to be in flower, while chrysanthemums and dahlias, which would normally have been killed off by the first autumn frosts, are lingering beyond their season.

According to the Meteorological Office, the average temperature since September 1 has been close to the norm. September and October were slightly colder than usual but November has been warmer. The London Weather Centre recorded 15C on Sunday night, its mildest autumn night in nearly 50 years.

The combination of an early cold spell with later mild weather appears to be creating odd effects. Jim Keating, a biologist at the Royal Botanic Gardens at Kew, said: "We are still seeing dahlias in bloom, whereas normally they would have been blackened off by the first frosts. Viburnums are coming into flower early and even some rhododendrons are starting to open."

Exotic events are being reported from London gar-

dens. Anita Hollings, who lives in Wandsworth, south London, says her toadstool shrubs have produced fruit for only the fourth time in 20 years. "The plants usually flower in the summer but it is quite rare to get a crop of fruit," she said.

Local authorities face extra fuel bills because they have had to continue mowing parks well into November. Bob Ollier, deputy parks and amenities officer in Taunton, Somerset, said: "Normally, we expect to stop mowing in October and do not have to start again until February or March. Some of our playing fields are looking as lush as if spring were already here."

"If the mild weather continues a lot of greenflies and other bugs that would normally be killed off could survive the winter, creating problems for gardeners next spring."

In the Scilly Isles, Andrew May, co-director of Mainland Marketing, which supplies cut flowers, reports an unusually early crop of his company's specialty, a variety of multi-headed, yellow-flowering narcissus known as Soleil d'Or. "We are about four to six weeks ahead of schedule," he said.

Forecast, page 24

Polish acorn harvest replaces English oaks

TONS of East European acorns are being imported to create new forests in England, even though the countryside is littered with acorns at this time of year (Marie Curie writes).

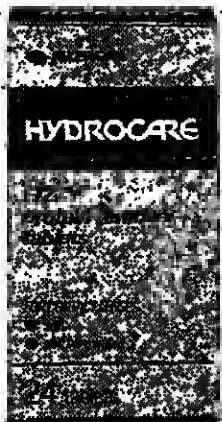
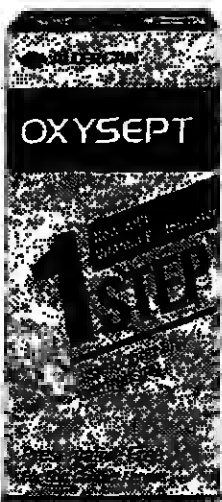
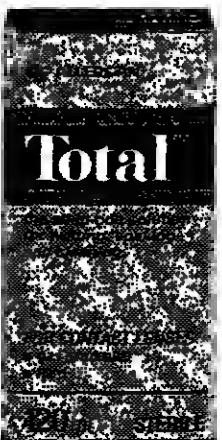
Hungarian and Polish seeds are being shipped in because a Brussels directive says acorns for plantations must come from trees regarded as upright, of superior quality, and "pure".

The Forestry Commission has to ensure that English trees from which acorns are collected are straight enough

to be harvested for commercial timber in 100 years' time. Only 42 varieties of English oak pass a new EU test, insufficient to meet the demand for three to four million new trees a year.

The Forestry Commission said straightness of trunk was important and the rules only applied to forests. But Mike Harvey, managing director of the tree nursery Macior, said the EU rule was a bureaucratic joke because trees grew straight only in certain soil and planting conditions.

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NAD216

Inefficient Community squanders £6 billion in rampant abuse of programmes

Court condemns EU riddled by waste and fraud

FROM WOLFGANG MÜNCHAU IN STRASBOURG

IN ONE of the most damaging condemnations of European Union profligacy to date, the European Court of Auditors yesterday depicted a Community riddled with waste and fraud and with little appetite to mend its ways.

In its annual report, the court, the EU's fiscal watchdog, concluded that the Community had failed to achieve much progress over the past ten years in its efforts to combat financial crime and excess. The European Commission, the European Parliament and national and regional governments came under attack for failing to enact efficient procedures to curb rampant abuse of EU programmes.

The court cited as one of the most flagrant examples a £1 billion subsidy to wine growers, who failed to meet promises of production cuts, further adding to the European wine lake, which is now estimated at 19 billion bottles.

Irish and Scottish fishermen, German apple growers and Spanish trade union officials were identified as having misappropriated EU funds, while their national governments and the European Commission were criticised for their failure of

monitor the abuse. Presenting the report to MEPs yesterday, André Middelhoeck, President of the Luxembourg-based court, refused to single out specific countries as particularly fraud-prone, nor did he put a figure on the annual total losses due to fraud. The European Commission estimates that fraud costs it no more than £600 million a year, but that figure is strongly contested by Euro-sceptics.

In his speech to the European Parliament, Mr Middelhoeck did not hide his extreme frustration with the slow progress towards reform of the past ten years. "Many of the problems, which were already identified in 1983, are still to be found ten years later," he complained.

"The Commission has made efforts to correct weaknesses to which the court has drawn attention. It has, nevertheless, largely failed to secure the enforcement of the level of financial management and control which is needed in the complex environment of Community finances."

Mr Middelhoeck was also critical of European ministers,

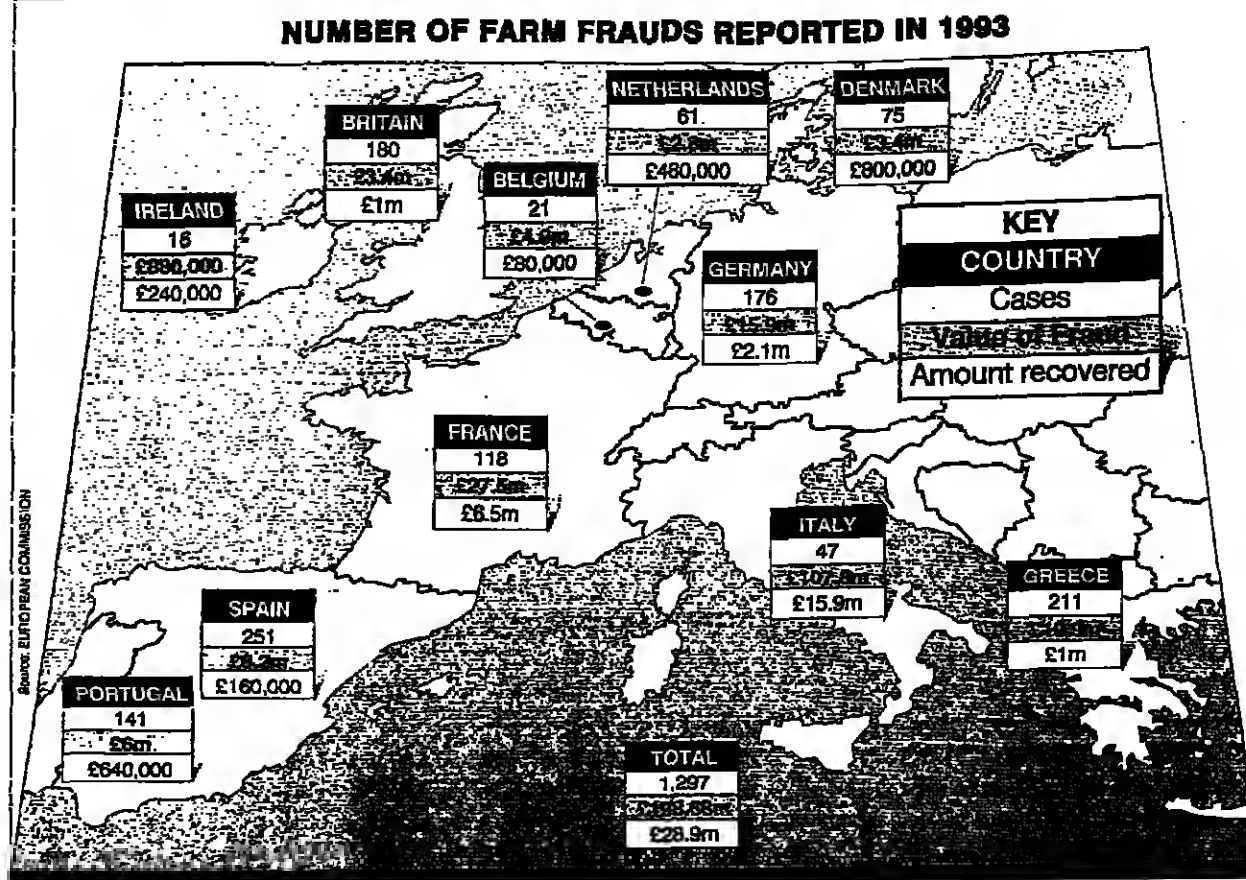
who are responsible for drafting EU legislation. He said that "weak internal control systems combined with legislation that is often complex and far too open to misinterpretation, facilitate fraud while permitting other irregularities to go undetected."

He urged European leaders to discuss the system of financial controls at the 1996 review conference of the Maastricht Treaty. He said the court will draw up its own position, which may be presented to the conference.

A British Conservative MEP said yesterday that the likely long-term outcome would be a more centralised monitoring structure. One of the report's findings was that decentralised monitoring structures, such as those prevalent in Germany, proved inefficient.

The report was criticised by John Tomlinson, Labour MEP and budget control spokesman of the parliament's socialist faction. Mr Tomlinson said the court had failed to conduct a comprehensive audit as required by the Maastricht Treaty and had focused too much on "a bit of spending here and there".

The report's bluntness was welcomed warmly by Douglas



Hurd, the Foreign Secretary, who had come to Strasbourg for scheduled meetings with Conservative and Socialist leaders in the parliament. Mr Hurd called the report "the searchlight which we British insisted should be there in the Treaty of Maastricht. This is the first time this particular searchlight, much more powerful than before, is bringing the fraud to light." He said that the report presented a "substantial opportunity" for the European Parliament and the Commission.

"There is no way it can

prove itself better than by addressing the shortcomings identified by the report," he said.

After the meeting with parliamentary leaders, which Mr Hurd described as "lively", the Foreign Secretary said he found overwhelming support from both the Left and the Right for the British position, which sought to prevent further extension of the powers of the European Commission at the 1996 inter-governmental conference.

However, many parliamentarians argued in favour of

extending the powers of the European Parliament, a request that Britain treats with scepticism. He also welcomed the recent debate about European monetary union at the CBI conference, which strongly supported a single European currency, an issue on which Mr Hurd proclaimed himself "agnostic".

Brussels: The European Court of Justice told the European Commission yesterday that it did not have exclusive powers to negotiate trade agreements for the EU but shared responsibility in key areas

with member states. The decision could pose demarcation problems for the soon-to-be-enlarged EU when it negotiates trade deals after the World Trade Organisation is established in Geneva at the start of next year. But the immediate effect of the court's binding opinion should be to clear the way for the EU to finalise ratification of the Gatt Uruguay Round accord.

Tories warned, page 1
Denis MacShane, page 16
Leading article, letters, page 17

Costly attempts to drain wine lake failed

FROM GEORGE BROCK IN BRUSSELS AND MICHAEL HORNSBY

AT LEAST 10 per cent or around £6 billion of the European Union's budget is lost a year through mismanagement or fraud, according to European MPs critical of the union's financial arrangements. But the union's court of auditors declined to add up the likely losses from what they describe as "a large number of problems... regarding the accounts and financial management of the most important fields of Community expenditure."

The document discloses that:

□ Attempts to drain the EU's wine lake have failed: Brussels spent £936 million since 1989 to have vines pulled up, but production

of table wine rose by 21 per cent in the same period. □ More than £8 million in excess export subsidies on butter, sent from Germany to the former Soviet Union, had to be recovered after officials used the wrong currency rates.

□ In Greece, Customs inspections were five years behind schedule and so late that, under EU rules, huge Customs debts cannot be collected from businesses.

□ Denmark is criticised for lax controls on farm subsidies: no documents exist to explain exactly what the money was spent on. □ German apple-growers were paid more than £180,000 to grub-up apple trees, found to be still growing six months later.

□ A sum of £940,000 was spent by the European Social Fund to train employees in multinational companies in Wales not threatened with unemployment.

□ The EU is spending more than £1 billion on two buildings for the Council of Ministers and the European Parliament.

□ Subsidies were paid twice over for cows and sheep grazing in Bavarian forests.

□ About £200 million was spent on fish stocks between 1987 and 1993 but many of the Irish and Scottish producers went bankrupt because of imports of cheaper farmed salmon from Norway.

□ Grants for training courses for East Germans were inflated.

□ Five-year-old French wheat was delivered as "aid" to Lithuania: Latvia lost £390,000 on a shipment of inedible EU cereals.

□ EU money went to a food firm in east Germany pouring untreated waste into sewers: funds helped rebuild a former state holiday camp without first removing asbestos in the walls of the buildings.

The report trenchantly points out that EU law is so complicated that it helps fraudsters. "Weak internal control systems together with legislation that is often complex and far too open to misinterpretation facilitate fraud," it says.

The report, covering the year 1993, gives a rare glimpse of how much EU money reaches each state a day: EU grants to Greece in 1993 flowed at a rate of £11 million and to Denmark at £15.48 million. No reliable figures exist for the sums paid to Brussels by either state, but Greece's payments are large enough to mean that it receives only a little more than it pays.

Squad thwarted by apathy

BY GEORGE BROCK

THE fight against fraud inside the European Union's labyrinthine system of subsidies is hampered by the dead-lock that preoccupies so much of the union's more high-flown debate over its future.

The European Commission's own fraud-busting squad of 60 officials is so small that its harvest of convictions is meagre. Those convictions can come only if national governments co-operate with Brussels against fraudsters, and not every country does so

POLICING

with equal — or sometimes any — enthusiasm. The last thing the governments want to do is give Eurocrats powers to conduct their own cross-border investigations.

Thus, much EU fraud goes undetected, unmeasured and unpunished. The EU officials negotiate with governments and between governments; only a handful of cases reach court each year. All over

Europe politicians complain about the ease with which money is bilked.

Per Knudsen, the Danish former Customs official who heads the EU fraud unit in Brussels, recently criticised the "incredible slowness" with which national police forces, prosecutors and Justice Ministries co-ordinated their efforts against bent businessmen who exploit the laxly written and poorly enforced rules for regional grants and farm subsidies.

BRITAIN comes low in the European Commission league table of the amount of money involved in fraud, and claims to be more zealous than many other member states in reporting irregularities to Brussels.

The biggest area for financial sharp practice is the common agricultural policy (CAP), which this year will cost about £30 billion, more than half the European Union's entire budget.

A total of 1,297 cases of agricultural fraud, worth nearly £200 million, were reported to Brussels in 1993, according to the Commission. About £29 million was recovered. Britain accounted for only

BY MICHAEL HORNSBY, AGRICULTURE CORRESPONDENT

BRITAIN

£3.4 million of the fraud, lower than any other country except The Netherlands and recovered about £1 million. But the number of cases of fraud reported by Britain was 180, the third highest after Spain and Greece. Italy, with a figure of £107.8 million, accounted for more than half the reported fraud total.

One of the most fertile areas for malpractice is offered by export refunds, the subsidies that are paid to make high-priced EU farm goods saleable on markets outside the Union. Currently, for

example, wheat sells for up to £110 a ton in the EU but only £87 a ton outside.

In 1993-94 there were 16 successful prosecutions for agricultural fraud. Eight were brought by the Ministry of Agriculture or its agencies and eight by Customs and Excise. Five people were jailed for up to four years.

Customs and Excise said that the new Criminal Justice Act should make prosecution easier. "It is not uncommon for fraud to be perpetrated in one country but directed from another", a spokesman said. "We can now prosecute in this country for a crime committed in another, which was not possible before."

Why budget doubletalk really does make sense

BY PETER RIDDELL

KENNETH Clarke and William Cash view European matters through the opposite ends of a telescope.

The Chancellor describes the increase in the European budget as "modest", while Mr Cash, one of the leaders of the Tory Euro-sceptics, talks of British taxpayers continuing "to pour money into a bottomless, fraudulent pit".

The figures they quote also differ markedly. Mr Clarke refers to increases of £75 million up to £250 million, while Mr Cash says Britain's contributions will rise from £1.7 billion this year up to £3.5 billion in two years.

These differences matter, not just in the light of the latest row about fraud in European programmes, but also with the prospect of Commons battles this winter about a new Bill raising the ceiling on the European budget, implementing the Edinburgh summit decisions of two years ago.

Mr Clarke and Mr Cash sometimes seem to occupy different political planets. They disagree about the impact of the budget legislation, but their contrasting figures are because they have been talking about different things.

Mr Clarke is right that the increase in Britain's net contributions to Europe as a direct result of the forthcoming Bill will be small — 0.1 per cent of total public spending in 1999 — while Mr Cash is right that spending is already rising sharply, even though he exaggerates the underlying rise.

Mr Clarke has been referring to the change in British net contributions, while Mr Cash has been talking about their absolute level.

Britain's European contributions tend to fluctuate sharply because they are based on estimates of likely levels of Value Added Tax, agricultural levies and other duties related to Britain's rate of economic growth. These are later adjusted in the light of what happens.

The British and European financial years also end at different times.

There are also differences about whether contributions are gross, or net of the



Kenneth Clarke and William Cash, right, at odds

abatement or rebate due to Britain under a formula which was agreed nearly ten years ago.

Britain's net contribution is estimated by the Treasury at £1.3 billion in the current financial year, compared with £1.7 billion in 1993-94. This drop largely reflects

adjustments for 1993 contributions and the bringing forward into 1993-94 of reimbursements of Common Agricultural Policy expenditure to member states.

Britain's net contributions are officially projected to increase to £2.8 billion in 1995-96, and £2.9 billion in 1996-97, before taking account of the proposed changes in the structure of the European budget.

This represents not just a bounce back from this year's artificially low level, but also a rise in contributions related to Britain's higher growth rate relative to other countries, in addition to increases in European spending.

Mr Cash argues that the change in the formula works against Britain if our growth rate rises, while his estimate of net contributions is about £700 million higher than the

Treasury's for the next two years.

Mr Clarke has been talking, notably in his letter to Tory MPs last Friday, about the increase in the ceiling on revenue, or own resources, which Brussels can raise from member states. This was smaller than other countries sought.

On the assumption of a growth in the economy and of prices of 2½ per cent a year, Mr Clarke has claimed that Britain's net contribution to the budget is expected to increase, "compared with what we would have paid if the present ceiling was maintained, by about £75 million in 1995-96, rising to £250 million by the end of the century".

The latter reflects an increase in gross contributions by 1999 of about £650 million, offset by higher receipts and more from the British rebate due to the larger European budget.

The forthcoming European Finance Bill is, in practice, only a small adjustment to the existing pattern of payments.

It has been turned into a much larger argument by the Euro-sceptics because of their protests about misuse of money and by the existing rising trend of Britain's contributions to the European budget.

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Polls in Norway show EU support growing

FROM ASSOCIATED PRESS IN OSLO

NORWEGIAN proponents of the European Union made strong gains yesterday in the first opinion polls published since Sweden voted for membership — but the "No" side remained in the lead.

Norwegians will vote on November 28 in a non-binding referendum on EU membership, and the "Yes" side hopes that Sweden's approval on Sunday of membership will sway a large bloc of doubters.

In opinion polls released after the Swedish vote, support for membership ranged from 37 per cent to 47 per cent, gains of 4 to 6 per cent compared with surveys before the referendum. The "No" side gained in some polls and lost in others, ranging from 45 per cent to 58 per cent against.

Gro Harlem Brundtland, the Norwegian Prime Minister, predicted that the "Yes" side would continue to grow. "This is just the beginning," she said. "People will understand that Norway cannot stand isolated outside the EU when Sweden and Finland go in."

A poll published yesterday by the Oslo newspaper, *Aftenposten*, indicated a 5 per cent gain for the "Yes" side to 40 per cent, and a 2 per cent increase to 58 per cent for the "No" side.

Another survey, in *Dagbladet* newspaper, said support rose to 42 per cent and opposition fell to 58 per cent. A Feedback Research survey said the "Yes" side rose to 39.7 per cent, while opposition dropped to 46.3 per cent.

Drammens Tidende newspaper said:

Kohl scrapes back into office by single vote

FROM ROGER BOYES IN BONN

HELMUT Kohl, the German Chancellor, scraped back into office yesterday by one vote and immediately pledged to dedicate the next four years to promoting tighter European integration.

The Christian Democrat whips were more active than at any time over the past decade as they tried to keep down the number of defections during the secret parliamentary vote. Herr Kohl was re-elected by 338 out of 671 deputies — one more than the necessary minimum. The Chancellor beamed with relief but Rudolf Scharping, the opposition leader, quickly pointed out that the close vote was a sign of things to come.

"Cliffhanger votes will now be a fixed part of our political life," the Social Democrat leader said.

However, Herr Kohl's supporters were philosophical. Norbert Blüm, the Labour Minister, said: "Politics is like football — it doesn't matter whether you win 3-1 or 1-0, you still get two points."

If Herr Kohl had not won enough votes, the ballot would have gone to a second round, and if he had been unsuccessful again, to a third round in which a simple majority would have been sufficient.

The Chancellor seemed confident that his majority, technically a ten-seat margin on most votes, was more than sufficient to pursue a firm European policy. "I hope now to ensure that the German train stays on the European track and that ultimately nobody will be able to derail the locomotive — that there will be no return to the politics of nationalism."

The speed of the train, the Chancellor said, "was not so important." The key aim was to lock Germany into Europe because "German unity and

European unity are two sides of the same coin."

Herr Kohl's comments signalled his return to the European stage after a month of paralysis when he struggled to cobble together a coalition government after the October 16 general election. The broad contours of the new government have now been agreed and a Cabinet is to be announced tomorrow.

During the long election campaign and the subsequent horse trading, the German presidency of the European Union became something of a lame duck. German diplomats believe there will be a similar effect on the French presidency of the Union, which begins in January, as the battle for the Elysée Palace heats up.

The logic of co-operation between the French and Germany presidencies has thus become clear: Germany will be able to make much of the running while France fights its election. In the past, each country's six-month term as the EU's president was clearly separated from the rest, but Bonn and Paris have decided to work closely together during their consecutive tenures.

Herr Kohl has set his officials to work not only on a strategy for Eastern European entry to the Union, which will be the centrepiece of next month's EU summit in Essen, but also on a "Mediterranean concept" to draw North Africa into a closer institutional relationship with Europe.

The riddle of German power over the next two years, as Europe rumbles towards the 1996 Maastricht follow-up conference, is how far the Chancellor will be able to marry his ambitions for the continent with his restricted room for manoeuvre at home.



Helmut Kohl and his wife Hannelore waving to supporters after his re-election as German Chancellor by the Bonn parliament yesterday

Bonn presses for a 'hard-core' Europe

BY ROGER BOYES

BONN intends this week to intensify pressure on Britain to join in a "hard-core" Europe.

That was made plain yesterday by Karl Lamers, the powerful head of the German parliamentary foreign affairs committee, who is flying to London tomorrow for talks with Douglas Hurd, the Foreign Secretary. Herr Lamers is the main author of a Christian Democrat strategy paper which is widely seen as representing Germany's true, if undeclared, plans for Europe.

Under the proposals France, Germany and the Benelux states would form a "hard core" of European states committed to full political and monetary integration, sidelining those which are unable or unwilling to take part in a fast moving union. Britain and other countries excluded from

Herr Lamers's list of fast movers have taken offence.

"It is clear that we want Britain to join this hard core," Herr Lamers said yesterday. "More precisely, we want the Britons to want it. We are convinced that joining in is in their best interest." Britain risks being driven to the margins, he added. He will try to convince Mr Hurd, Conservative politicians and a Chatham House audience that there was no practical alternative to a "hard core" if Europe wanted to combine the goals of deepening and extending the union.

"What are the alternatives to a federal state?" he asked. "The only other options are a centralised Euro-state or a loose alliance." Britain wanted neither, Herr Lamers said it was already too centralised — "even more, in my view, than France."

Bank owes debt of gratitude to Germany

English, not German, will be the working language in "Euro-tower", the skyscraper that houses the vanguard of the European central bank which began work yesterday (Roger Boyes writes).

Nonetheless, the European Monetary Institute (EMI), which will pave the way towards a single European currency, plainly owes a debt to Germany. Some of the smart furniture in the 36-floor Frankfurt building has been loaned from the Bundesbank.

Few of the bank's senior staff — its chief is Baron Alexandre Lamfalussy, a Belgian — can forget that it was strenuous lobbying by Bonn that brought the institution to the city. According to Dutch government sources, Germany threatened to block Rüd Lubber's candidacy as President of the European Commission unless Amsterdam dropped its opposition to Frankfurt. In the event, Germany won

the bank and torpedoed Mr Lubber's chances, but was thwarted in its attempt to plant Jean-Luc Dehaene at the head of the Commission.

The Maastricht treaty has given Baron Lamfalussy two tasks: to prepare the way for monetary union and build a network between the central banks of the 12 core members.

The most critical battle will be fought with Brussels. "The Commission is not yet accustomed to the fact that the EMI exists as an independent institution. They will have to get used to it," he said recently.

The institute seems determined to avoid the extravagances of the London-based European Bank for Reconstruction and Development, which under Jacques Attali developed a taste for marble fixtures. At the EMI, which will occupy only the 11 top floors of the skyscraper, champagne was not on offer yesterday as business began.



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US tries to forge pact on eastward expansion of Nato

FROM MARTIN FLETCHER IN WASHINGTON

THE Clinton Administration has embarked on the second phase of its delicate diplomatic efforts to expand Nato eastwards without causing an open breach with Russia.

It is striving to forge an agreement between all Nato's present members on what one senior official called the "how and why" of expanding the alliance, though not yet the "who and when". America intends that Nato should present this agreement next year to all 23 members of Partnership for Peace, the present arrangement unveiled by President Clinton last January which offers former Warsaw Pact nations closer military co-operation with Nato but no guarantee of membership.

The agreement would make clear that eventual membership was on offer and spell out the means of achieving it. Those would include full compliance with Nato military requirements. There would be no "second-class members" given the protection of Nato's military umbrella purely for political reasons. In theory, therefore, Russia would have as good a chance of joining as Hungary or Poland and could not argue that Nato's expansion was anti-Russian.

Briefing journalists yesterday, the official refused to name the leading contenders

for membership, although they clearly include Poland, Hungary and the Czech Republic. Nor would he discuss equally sensitive issue of timing, although other senior officials have suggested the first new members could be admitted in three to five years.

To reassure Moscow further that it will not be excluded from Europe's new security arrangements, the Administration plans concurrently to "strengthen and upgrade" the Conference on Security and Co-operation in Europe (CSCE), Russia's preferred forum for security discussions.

That process will begin at the CSCE summit in Budapest next month which President Clinton is expected to attend. The Administration sees the CSCE becoming an important force for conflict-prevention in Europe. First steps may include the appointment of more senior representatives and changing its name to "organisation" rather than the mere "conference".

Warren Christopher, the US Secretary of State, is to announce the Administration's vision for Europe's post-Cold War security architecture in a speech on Monday week, but its lobbying efforts have begun in earnest and should come to a head at Nato's Foreign Ministers' meeting in Brussels next month. A joint Pentagon

and State Department team toured European capitals last week to brief the allies on the American plan and the Administration has been holding discussions with Moscow.

The Russians have opposed Nato's eastward expansion from the outset. Indeed, Partnership for Peace was portrayed initially by its critics as a means of fobbing off the new Central European democracies clamouring for Nato membership without inflaming nationalist sentiment in Russia. This new American drive proves those critics wrong, although American commentators have not missed the irony of the Administration pressing for Nato expansion at the very moment that the alliance is threatening to break apart over Bosnia.

The official said that the Administration had rejected both the school of thought that insisted Nato could not be expanded because it would upset Moscow, and the school that argued it should be expanded immediately while Russia remained weak.

It believed instead that the "gradual and careful" eastward expansion of Nato could be presented as beneficial to Western Europe and Russia because it would bring stability to the region that had been the "seedbed" of the century's great wars.



Women soldiers trained to fight in the Bosnian government army taking part in manoeuvres in Sarajevo yesterday

Alliance aims to hit Serbs in Croatia

REPRESENTATIVES of Nato and Croatia are working on a plan to allow alliance war planes to strike Serb troops inside Croatia if they attack peacekeepers in Bosnia or the Bihac "safe area".

Fighting over the past two weeks around the enclave in northwestern Bosnia-Herzegovina has highlighted a loophole which would allow Serbs

in neighbouring Croatia to attack United Nations troops or a "safe area" with impunity. Because of limitations in UN mandates, Nato jets are not permitted into Croatian air space.

In Zagreb yesterday, Admiral Leighton Smith, Nato's southern European commander, held talks with General Bertrand Delaprestre of

the UN on the issue. There was no firm agreement, but UN officials said it was only a matter of time.

America yesterday agreed to requests by Russia, Britain, France and Germany for a meeting in Brussels early next month of the Contact Group on Bosnia. The Group's unity was badly strained by the Administration's decision to

cease enforcing the UN arms embargo against Bosnia's Muslims last week.

Meanwhile in Belgrade a man running a company supplying the casino business was seriously injured in a suspected gangland car bombing outside a gambling club. The explosion, close to the offices of President Milosevic, shattered shop windows.

Americans join Haiti flood rescue

Washington: Thousands of American troops, who restored the government of President Aristide, joined rescue and repair efforts yesterday as reports claimed that at least 125 people died in flooding and devastation caused by torrential rain in Haiti (Ian Brodie writes).

The United States is giving \$25 million (£15.8 million) in disaster relief after the tropical storm Gordon brought down power lines and engulfed tiny homes in mudslides.

Inmates killed
Algiers: Security forces crushed an attempted break-out at a prison holding 5,000 detainees south of Algiers. At least 30 inmates were killed and 60 people were injured, Algerian sources said. (AP)

Nuclear fear
Vilnius: Sweden has arrested a man in connection with a threat to blow up a Lithuanian nuclear plant, which had to be shut down overnight. It was searched by Swedish experts with tracker dogs. (AP)

Nepal violence
Kathmandu: One person was shot dead and 15 injured in scattered violence during parliamentary elections in Nepal. Voting was postponed for several days at 42 polling stations. (Reuters)

Mother cares



Rome: Alessandra Mussi, above, the granddaughter of Italy's wartime leader, is running for parliament. Announcing the neo-Fascist MP, 31, she was "happy" but had not yet decided if she and husband Mauro would name a boy Benito, after the dictator.

Gingrich leads crusade for restoration of school prayers



Gingrich: owes victory to Religious Right

FROM IAN BRODIE IN WASHINGTON

THE controversial issue of allowing America's state-run schools to hold prayers, outlawed for more than 30 years, has been put high on the agenda by Republicans who won control of Congress in last week's mid-term elections.

They intend to conduct hearings around the country in the coming months and to force a vote on the issue before the Fourth of July next year. Passage will not be easy, even though polls show that three-quarters of Americans are in favour.

To a decision that has long incensed conservatives and religious

groups, the US Supreme Court banned school prayers in 1962 as a violation of the Constitution's separation of church and state. Many Americans blame the ruling for a widespread lack of faith and beliefs that have led to a breakdown of family values, diminishing moral standards and rising crime.

To overturn the Supreme Court ruling requires an amendment to the Constitution, which must be passed by a two-thirds majority in the House of Representatives and Senate, followed by ratification by at least 38 of the 50 states.

The process could take several years and the outcome is far from certain. Previous attempts have failed

en short in Congress. Opinions could change, but for now the idea would still be unlikely to muster a two-thirds vote in the Senate, where some moderate Republicans side with Democrats in opposing it.

Much will depend on how the issue is couched. There would be wholesale aversion to discriminating against students of no faith or non-Christian denominations. An acceptable alternative might be a "moment of silence" at the start of each school day, an idea recently passed into law in Georgia but already being challenged in court.

The push for school prayer has been offered by Newt Gingrich, the aggressive Republican Speaker-designate, as a thank-you to workers from the Religious Right who helped his party to its landslide victory. He said his philosophy is to re-establish the teaching of Americans' inalienable rights endowed by their Creator, as stated in the Declaration of Independence.

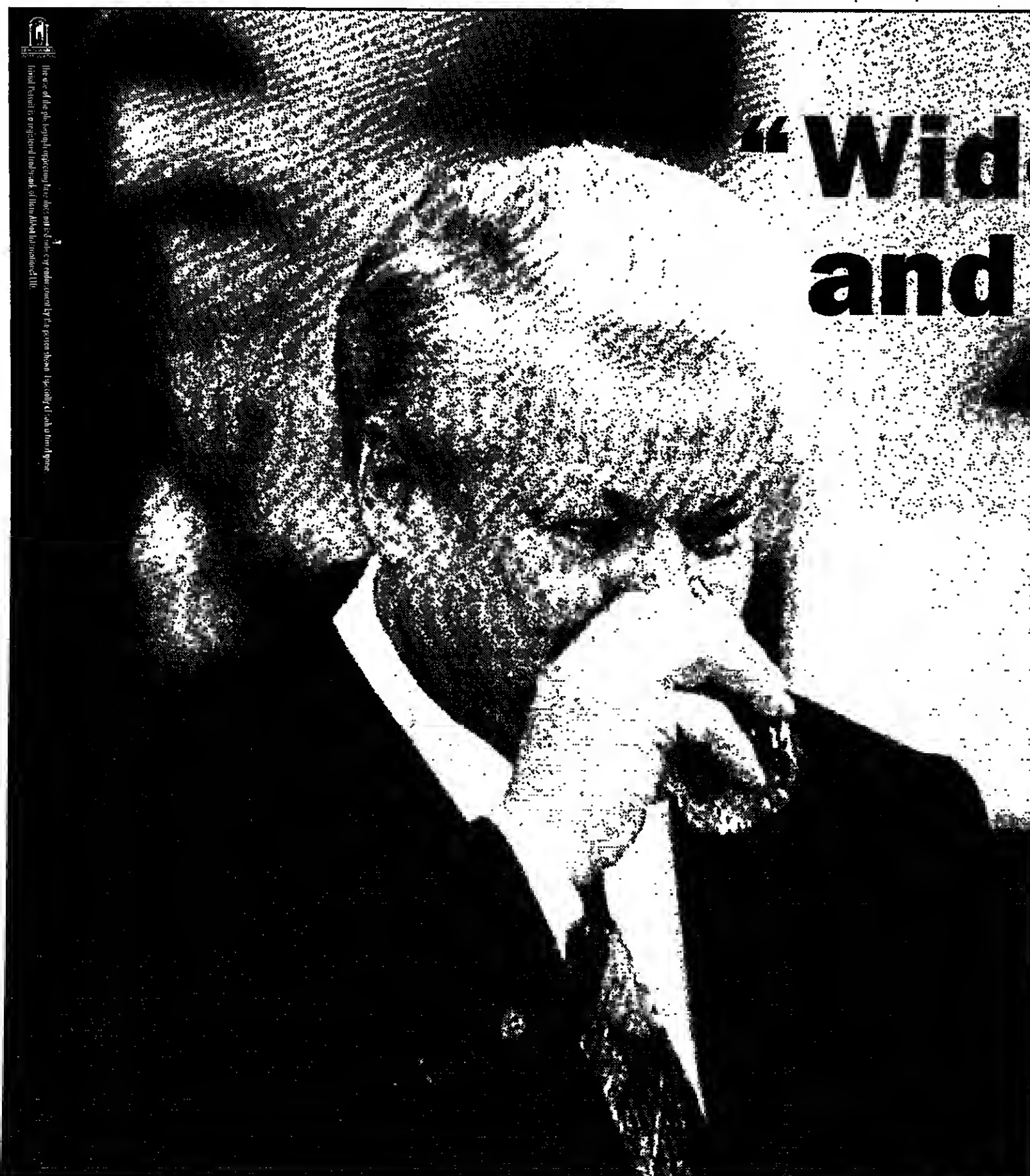
Alarms are being raised by another Gingrich suggestion for removing children from parents who are ceaselessly on welfare and putting them into state orphanages. Use of the word orphanages has raised the spectre of Dickensian horrors. But Tony Blankley, Mr Gingrich's spokesman, says the institutions would be better than conditions facing babies in the worst

parts of US cities and "they won't have to worry about being shot".

Among Democrats, the scale of the defeat has provoked a jockeying for position on Capitol Hill, all anxious to distance themselves from President Clinton. Richard Gephardt, the House Democratic leader, is being challenged by Charlie Rose, a Southerner who says Mr Gephardt ceded too much power to the White House.

The leader of black members of Congress, Kweisi Mfume, a liberal Democrat, has launched a bid to lead the House Democratic Caucus. He accuses the former leadership of failing to listen to all Democrats.

Simon Jenkins, page 16



"Wide eyed and legless?"

Bang on Boris, that was indeed the Andy Fairweather-Low hit Terry Wogan once admitted he almost played after interviewing Douglas Bader.

Trivial Pursuit

As irrelevant today as it's always been.

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Asia-Pacific states vow to bolster trade links

FROM JAMES PRINGLE IN JAKARTA

THE leaders of 18 Asia-Pacific nations agreed yesterday to remove all trade barriers and to start building what could be the world's largest free-trade zone by the year 2020 in the economically fastest-growing region of the world. President Suharto of Indonesia, 73, chairman of the summit of the Asia-Pacific Economic Co-operation (Apec) forum, an area that makes up half the world's economy and comprises more than two-fifths of global trade, said outside the government palace in the hill resort of Bogor that the advanced countries of Apec would attain their objective not later than the year 2010 and the developing countries by 2020.

As to the operational basis, General Suharto re-

marked, "the agreement says the strong shall help the weak."

China and Malaysia — which were reluctant to go along with a firm timetable and resisted deadlines because of Apec's mix of developed (America, Japan, Australia and New Zealand), newly industrialising (South Korea, Taiwan, Hong Kong and Singapore) and developing (China) economies — were apparently accommodated to a point. There is, however, clearly bargaining to be done before the next Apec summit, in Osaka, Japan, next year.

Malaysia also interpreted yesterday's agreement broadly. "It is a very good agreement," Datuk Seri Dr Mahathir Mohamad, the Malaysian Prime Minister, said



Batik line-up: President Clinton and President Suharto of Indonesia, far right, among Asia-Pacific leaders at Bogor Palace yesterday, all wearing local silk shirts

later. "We wanted flexibility and I am happy to say that they accommodated us as part of an annex to the report. We interpret it as allowing us to go beyond 2020 if a state of development has not yet caught up." He said that Malaysia's per capita income would be \$16,000 (£10,000) a year by 2020. "We would still be comparatively

backward at that date," he said, adding that America would not have stood still. The final Apec declaration, agreed at a meeting in Bogor attended by President Clinton, President Jiang Zemin of China and the leaders of Japan, South Korea and Mexico, among others, stated: "We are determined to demonstrate Apec's leadership in

fostering global trade and investment liberalisation."

The statement added: "We will start our concerted liberalisation process from the date of this statement."

As demonstrators for the third day in succession took to the streets of Dili, capital of East Timor, the territory invaded by Indonesia in 1975, President Clinton promised to

raise the issue of human rights abuse in East Timor at a meeting with President Suharto tomorrow. At the same time, 29 East Timorese demonstrators kept up their protest inside the compound of the American Embassy in Jakarta and asked for political asylum in Portugal, the colonial administrator until just before the invasion.

MAIN POINTS OF ACCORD

- To achieve free and open trade and investment in the Asia-Pacific region by 2020, with industrialised economies reaching the goal by 2010;
- Strengthen open, multilateral trading system;
- Intensify development co-operation in the region;
- Carry out commitments under the Uruguay Round of the General Agreement on Tariffs and Trade (Gat) fully and without delay; and
- Expand and accelerate trade and investment programmes.

Quake and tidal waves ravage Philippine island

FROM ABBY TAN IN MANILA

TIDAL waves up to 48 ft high devastated several coastal towns after a powerful earthquake hit the Philippines yesterday morning. At least 46 people were killed.

Five hours after the quake, measuring 6.7 on the Richter scale, seismologists had recorded more than 700 aftershocks. The epicentre was located about 70 miles south of Manila, the capital, and was felt 188 miles away.

In Manila, many people fled from their homes after being awoken by the earthquake. An aftershock, measuring 5.1, hit the capital in the afternoon.

The worst-affected areas were in the central island of Mindoro. In the town of Iba, about 90 miles south of Manila, bodies of children were found hanging in trees yesterday morning. Rod Valencia,

the Governor of Mindoro, said: "The earthquake was accompanied by a roar. Then the waves came, as high as 10 to 15 metres [48 ft]."

Radio stations, quoting local officials, reported that more than 155 people were injured by the quake, which struck at 3.15 am when most people were asleep. In the tourist resort of Puerto Galera the base of a mountain was split open, and tidal waves smashed boats ashore. Officials said there were no reports yet of foreigners among the casualties.

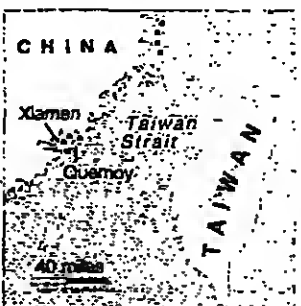
The state-run National Power Corporation said two main power plants in Luzon had been affected and that a floating power barge off Mindoro had been washed away and another damaged. Government relief agencies said elec-

tricity and water supplies, and telephone lines had been knocked out in most of Mindoro, where fishing and farming communities live.

Tourists joined local residents in panic buying of fuel and food, radio reports said.

President Ramos, attending the Asia-Pacific Economic Co-operation summit in Indonesia, ordered his Cabinet to mobilise relief for the stricken island, and ordered the release of emergency funds.

Colombo: More than 200,000 people were made homeless after heavy monsoon rains coupled with a huge tidal wave flooded northwest and eastern Sri Lanka. Those affected have sought refuge at makeshift camps in Ampara, Batticaloa and Trincomalee in the past three days, officials said. (Reuters)



Taiwanese shell city in China 'by mistake'

FROM REUTERS IN TAIPEI

TAIWAN said yesterday it had accidentally shelled China, drawing condemnation from Peking and driving relations to a new low.

China's official Xinhua news agency said that Taiwanese troops on Lesser Quemoy, an island just over a mile off the mainland, fired at least a dozen shells into a suburb of Xiamen. Four people were injured, two seriously, Xinhua said.

Taiwan's defence ministry said the attack was a mistake which happened because the anti-aircraft shells failed to explode in mid-air as intended but crashed onto the mainland. The ministry expressed deep regret.

Peking issued a strong condemnation of Taiwan, which is ruled by the nationalists who fled there after losing the civil war against the Communists in 1949.

Xinhua quoted a spokesman for the Taiwan Affairs Office as saying that the bombardment was an evil act and "a vicious incident that sabotaged the peaceful atmosphere across the Taiwan Straits". The spokesman demanded that Taipei launch an immediate investigation, publish the facts and severely punish those responsible.

China and Taiwan each claim sovereignty over all China and Peking has not renounced the use of force to recover the island. Political tensions eased in the late 1980s and commercial contacts have boomed. However, there are many weapons in and around the Taiwan Straits and military tensions remain high.

Mandela brokers Angola pact

FROM MICHAEL HAMLYN IN JOHANNESBURG

PRESIDENT Mandela of South Africa yesterday brokered a ceasefire between the Angolan government and the Unita rebels, aimed at bringing about a permanent peace treaty on Sunday.

Returning from a summit meeting in Lusaka, the Zambian capital, Mr Mandela told a press conference that President dos Santos of Angola had agreed to an immediate ceasefire. This removed a big stumbling block in the way of a resumption of peace talks.

Unita, led by Jonas Savimbi, had protested that it was impossible to talk about peace without an immediate end to fighting.

The Angolan government, which has been conducting a highly successful campaign to expel the rebels from their stronghold in the central town of Huambo, was sticking to an earlier peace agreement which said a ceasefire would come into effect two days after the treaty was signed.

Pretoria backs down on elephant trade

BY NICK NUTTALL, ENVIRONMENT CORRESPONDENT

SOUTH Africa astonished delegates to a wild life conference yesterday by withdrawing a controversial proposal to allow trade in elephant hides and meat.

The proposal, which had the support of professional conservation groups, including the World Wide Fund for Nature, had provoked a fierce political row within the British Government. John Gummer, the Environment Secretary, had opposed the plan on animal welfare grounds but it was backed by Douglas Hurd, the Foreign Secretary, who believes that the harvesting of cull elephant products makes conservation sense.

Angry at Mr Gummer's intransigence, Mr Hurd asked John Major to intervene, which the Prime Minister was doing as late as Monday. Mr Gummer was finally swayed

into a compromise in which the British delegation would have abstained if the issue had come to a vote.

Outraged animal welfare organisations feared the plan would send a signal to poachers that the ivory trade was to be resumed, although South Africa has promised to support the ivory ban.

A spokesman for the Kenyan delegation said there had been a sharp rise in poaching in the past two months. He linked this to the South African proposal.

South Africa claims it has too many elephants because of strong anti-poaching enforcement and will cull several hundred elephants this year. Its delegation withdrew the proposal ten minutes into the debate in Fort Lauderdale, Florida, after gauging the strength of the opposition.

Palestinian state 'better for Israel'

By MICHAEL BINYON, DIPLOMATIC EDITOR

A SENIOR Israeli foreign ministry official yesterday said a friendly Palestinian state would be better for Israel than a limited autonomy zone harbouring terrorists.

In an important modification of adamant opposition to an independent Palestinian state, Uri Savir, the director-general of the ministry, suggested in London that a pluralist, democratic entity on Israel's border would be better for the Jewish state than a hostile area of limited sovereignty. He believed there should eventually be an economic and political confederation between a Palestinian state and Jordan, possibly also including Israel in a single economic zone.

Mr Savir, the key negotiator of the Oslo peace agreement and the subsequent autonomy arrangements with the Palestinians, was speaking on the day that Palestinians took control of tourism from the

Israelis at a ceremony in Bethlehem. They also celebrated the sixth anniversary of the declaration in Algiers of an independent Palestinian state in the West Bank and Gaza.

Yitzhak Rabin, the Israeli Prime Minister, visiting Israeli troops in Gaza yesterday, demanded tougher action by the Palestine Liberation Organisation to curb suicide at-

tacks by Islamic militants. Palestinian police yesterday released 17 of the 200 Islamic Jihad activists rounded up last week and said more might be freed after they were interrogated.

Mr Savir, who had talks with Foreign Office officials on Monday, said that political and social tension in Gaza had threatened the entire peace

process. He appealed to Western countries to treat emergency aid to Gaza as a special case: unless jobs were created swiftly, the private sector encouraged and international aid disbursed, frustration would boost support for Hamas and other opponents of the peace treaty.

"Either Gaza improves or the peace process erodes," he said. Mr Savir expressed exasperation with the slow pace of change and the inability of Yasser Arafat, the Palestine Liberation Organisation chairman, to take firm grip on the government in the autonomous zones.

Israel, however, would do all it could to bolster Mr Arafat: the Israelis recently made a big effort to persuade him of this, Mr Savir said.

He said that Israel would not negotiate with Hamas or allow it to take part in Palestinian elections as long as it espoused violence.



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Bright star rising



Fashion
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Anthony
Symonds
(above), this
year's fashion
graduate
superstar, has
won a rare
accolade — his
designs are to be
showcased in
the window
of Browns



Every summer hundreds of fashion students from all over Great Britain leave college with little more than a certificate of education and an overdraft to their name. Their moment of glory on the catwalk — after three or four years of hard work — can be over in minutes, seconds even. Blink, and you might have

missed the next John Galiano or Jean Muir.

"I don't think every student can be a star, nor should they be," says Joel Bernstein, a buyer for Browns, the swanky store in South Molton Street, London. However, Bernstein, along with Joan Burstein, the owner of Browns, sits in the front row at the graduate fashion shows on the lookout

for new talent. Hoping to discover the next big thing.

It was Mrs Burstein who snatched Galiano's end-of-course collection off the catwalk and showcased it in the window of her store. Similarly, the designs of Hussein Chalayan, when he graduated a few years later. Both have become major influences on the international stage. "There

is," Mrs Burstein says, "always one good graduate every year. But one who is outstanding and really exciting does not happen very often."

Earlier this year I reviewed the Esprit Graduate Fashion Week. One collection, by Anthony Symonds, a graduate of Central Saint Martins was outstanding.

Symonds's designs were

immediately arresting. He won the coveted award for the best overall collection at the Esprit Graduate Awards, and garnered the attention of the Browns team, who instantly snapped up the fledgling designer's collection.

His designs now hang in the store alongside International labels such as Dolce & Gabbana, Jean Paul Gaultier, Raf Simons and - Martin Margiela, and from next Monday — for one week — will be featured in Browns' window display.

Bernstein was attracted to the sharp strong shapes and Symonds's modern concept of engineered fabric. He admired Symonds's individual spirit.

Symonds himself was acutely aware that he had to create a collection which would look like nobody else's. He says: "I try to react to prevailing trends in the opposite way, otherwise it's boring. Everyone else at college was doing neutrals, and deconstruction, so I did real shoulders, and a tailored silhouette. I wanted it to look professional and slick."

"My work is very commercial. I'm always aware of the function — the practicalities of the design are everything."

Indeed, the beauty of Symonds's designs is that they meet the requirements of the modern wardrobe: easy yet glamorous. Key pieces include leather peacoats and blazers, slim-fit shirts, wide-legged trousers, silky slip dresses and



ABOVE LEFT: Brown chiffon print kimono, £350; white animal print dress, £550. Diamanté loop chain bracelet, £38; wide diamanté bracelet, £48. Butler & Wilson, 20 South Molton Street, London W1 (Inquiries: 071-409 2955)

ABOVE: Cream leather jacket, £525, coffee and cream print silk pants, £500; coffee silk embossed shirt, £275. Diamanté choker, £48. Butler & Wilson, as before
FAR LEFT: Dark brown leather trench coat, £650; brown/white print shirt, £370. Natural Ultra Fine tights, £3.99, Aristoc, major department stores nationwide. Diamanté hoop earrings, £28; diamanté loop chain bracelet; wide diamanté bracelet, Butler & Wilson, as before
All clothes by Anthony Symonds available from Browns, 23-27 South Molton Street, W1

Photographs by RICHARD LOHR

Hair and make-up by Gordon Pinder for Brinks & Huck; Styling by Jane Roarty

diaphanous kimono jackets — all impeccably coloured in chocolate, coffee and black tones, coated with luxe-looking animal prints and sequin transfer.

Symonds, who is 30, was a mature student and had already worked in the fashion business, at one time cutting for John Galiano. He had his own business in the early 1980s, designing handprinted

shirts, which he sold to Paul Smith. "It went well," he says, "but it wasn't worth the stress."

Symonds believes that the ethos of Central Saint Martins encourages talent to flourish. "It doesn't teach people very much," he says, "but it allows them to learn."

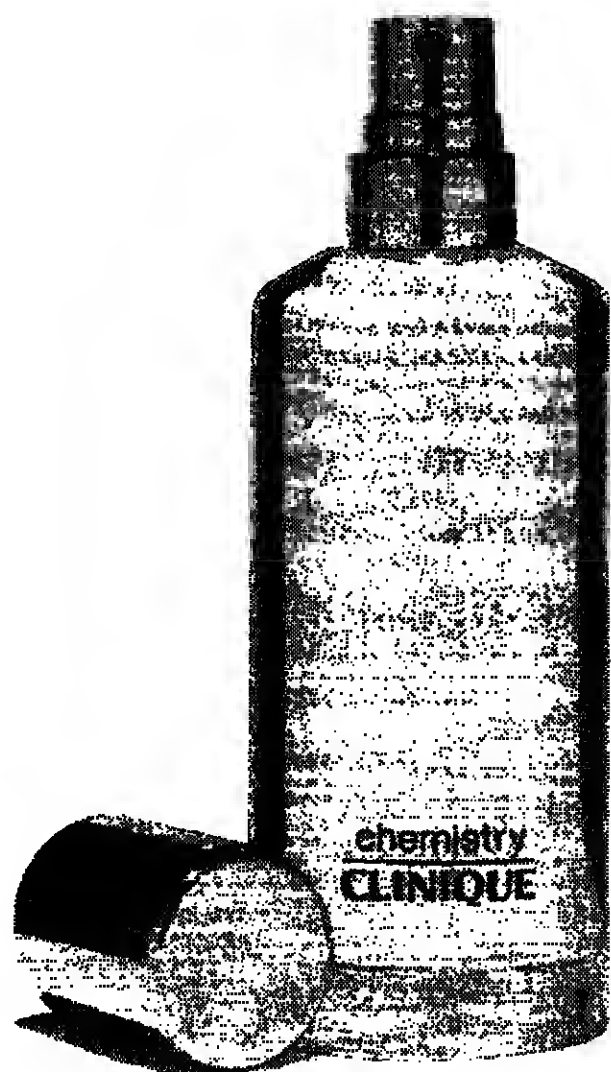
He has no illusions of becoming a star overnight. "I don't want to have a label, get

two pages in Vogue, then go bankrupt," he says. At present, he is a design consultant for companies in Italy, Germany and London.

"I'm doing what I enjoy doing: trends and concept work. I want to make my mistakes in private. I want to have some fun before I commit myself to years of hard work, which is what being a designer would be."

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HOTLINE

● ADDRESSING Dressing is a new series of fashion talks at the ICA this month. Next on the agenda, on November 22 at 7.30pm, is street style and its use on the catwalk. On show on November 29 between noon and 6pm will be work by Central Saint Martins second-year fashion students. Details: 071-930 3647.

● FOR the man who wants something a bit more special for all those party invitations, Marks and Spencer has produced the ultimate velvet jacket. The single-breasted, three-button jacket cuts just the right dash. In black or wine-red, it is destined to be yet another winner from the high-street chain. With glamour back in style, the more daring chaps won't just wear it after dark, but will be donning it during the day *à la* designers Helmut Lang and Paul Smith. At £105, it's a gift. Available from next Monday from selected branches of Marks and Spencer. Inquiries: 071-935 4422.

● EAT, drink, be merry and shop. Cerruti 1881 is holding a Christmas party this Saturday to celebrate the festive season. Readers can join the party on presentation of this copy of *The Times*.

RACHEL COLLINS

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SAVOY TAYLORS GUILD
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15/11/94

Libby Purves on an exotic 19th-century scandal about to get fresh exposure

Why they fêted the fake princess

On April 3, 1817, a striking young woman was found wandering near Bristol, speaking in a strange tongue. She was taken in by a wealthy family, friends of the Prince Regent, by patient questioning and sign language it was discovered that she was the kidnapped Princess of Javasu, by name Caraboo. Her queenly grace, strange dances and exotic religious ceremonies charmed and intrigued the nation.

At least, they did until June 10, when it was discovered, to everybody's embarrassment, that Caraboo was in fact Mary Baker, a penniless servant-girl with a chequered past whose sailor husband had left her.

The Caraboo impersonation began as an ingenious way to beg her fare to the New World without being slammed in the workhouse as a vagrant; it was prolonged by the sheer enthusiasm of her hosts. In those years after Captain Cook's return from the South Seas, polite society was eagerly receptive to the idea of a noble savage. As eager as the London literary salons were last week to welcome the wild, hairy, bi-racial and eccentric clothing of the lady tramp who pretended to be a travel writer, some things never change.

Indeed, successful impostors have a kind of genius: they are performers and psychologists, constantly inventive and brilliantly observant of the victim's response. Caraboo deserves her immortality. There is a film of her life out in December, starring Phoebe Cates, and John Wells's book based on his screenplay. Next week *Caraboo* by Jennifer Raison, and Michael Goldie appears. (Windrush Press, £9.99). Jennifer Raison has studied her for years. "She turns up in collections like Edith Sitwell's *English Eccentrics*, but really, you know, she wasn't an eccentric. She did it because she had to."

Mary, she points out, came

from a class which could not afford the luxury of whimsy. Her "Confession", which forms the second part of the book, tells of a life of drudgery and penury in a servant-class from which there was no escape. One of her most touching memories is of buying a muslin dress, loving the exotic feel of it, but being called a whore by her parents and shunned for not knowing her place.

It is satisfying to know that during her escape into the role of savage princess, she got revenge. Her hosts gave her golden silk out of which she devised a neoclassical South Sea garb just immodest enough to flatter the gentry, but not alarm them. Indeed, her judgment was always exact: even her exotic dances were clean enough for the drawing-room. She signified her Christian instincts by cutting the cross off her hot-cross bun and pinning it on her dress. This woman had wit.

Jennifer Raison's sources are books, letters and newspapers of the period, and Caraboo's confession. At one stage, a publisher wanted her to write it as "a bodice-ripper, with someone from Mills and Boon to hold my hand," but Ms Raison, a confident writer who runs a puppet-shop in Kensington, was unwilling to do an Anna Pasternak on her subject. "I didn't want to speculate on whether she was a fantasist or a schizophrenic, or whatever. I think she had perfectly good reasons to be dressed as a foreigner. Then she got trapped in a web of snobbery."

She has, however, amused herself by making up the diaries of Mrs Worrall, the banker's wife who took in Caraboo. It is in her words that we hear of the brilliant performance Mary Baker put up. She invented an alphabet, part-Arabic, part-Chinese, part-doodle, which survives, and proves she had a sharp

eye for the squiggles on packages down at the docks when she was with her sailor. Archbishop Whalley did dismiss it as "a fine specimen of the Humber language", but was shouted down by others who confidently opined "not a pure language... a dialect from Sumatra". A Cathay traveller "discovered" her origins from the way she held a weapon. He also talked of poison sap being put on daggers by heathens, whereon she — on cue — sneaked over to a houseplant and rubbed its sap on the dagger. Thus proving, to willing eyes, her authenticity.

All reports suggest that she had presence, dark brows, a commanding mien. The only member of the household who nearly exposed her was a jarring valet, but she could always keep the gentry guessing. She would be at one



Caraboo, the mysterious kidnapped Princess of Javasu, painted by Edward Bird in 1817

moment gentle and submissive; the next plunging into the lake, or making a shrine to her deity, "Allah Tallah", or climbing up a tree and signalling that this was a sacred rite to avoid the contamination of men. Once, she roped a gong to her backside and banged it in a savage dance.

Jennifer Raison thinks Mr Worrall got rather fed up, but the ladies remained charmed. "You see, bankers weren't proper gentry — Mrs Worrall was getting callers she never had before. It was reflected glory."

All good things end. A newspaper story with her portrait brought recognition from her former landlady, and Mary came clean. Broadsheet ballads ridiculed the Worralls and their friends — "With

lady-airs in plenty/she gulled the cognoscenti". To her credit, Elizabeth Worrall paid Mary's fare to Newfoundland. She came back two years later, bore a daughter, and ended her life (according to a contemporary letter in *The Times*) an old woman selling leeches to the Bristol Infirmary. Jennifer Raison hopes she has met a descendant. "Well, there was a woman in the West Country who says her great-great-grandmother was known as Princess, and nobody knew why."

These days, such natural charisma and quick wit would have given her her own TV show. In 1817, Mary Baker had fewer options; but she made it into the portrait galleries, books and now film, as a spirited footnote in history. So she did, in the end, beat the system.

The French Sinatra's old-fashioned way

Charles Aznavour — last of the great crooners — is still a star at 70, says Charles Bremner

France has three immortal Charleses. First comes *le Grand Charles*, the late general who died in 1970, but whose spirit reigns over the republic he founded. Then there is Charles Trenet, "le fou chantant", the 1940s boulevardier who is still going strong at the age of 81. The youngest is *le Roi Charles*, an ordinary-looking little man of 70 who has the power to charm the world.

For France and much of the planet, the rueful, ironic, love songs of Charles Aznavour are so much part of the popular subconscious that, watching him waltz into *Les Plaisirs Démodés* ("The Old-Fashioned Way") this month at the Palais des Congrès you get the same frisson as seeing Sinatra hit the opening of "My Way". The two have much in common. Consummate crooners down to their patent shoes, neither has anything left to prove because the audience was seduced long ago.

Sinatra fools around with his standards, his voice betraying his age. Aznavour, all of a skinny five feet four, jokes on stage about his hair transplant and makes no pretence over the raspy voice that Sammy Davis Jr once called "the sound of a living nightmare". (Davis also noted that "his terrible sincerity disarms his irony".)

Yet, from the moment Aznavour appears on a little black staircase, unaccompanied by the smoke and lasers of the modern rock geriatrics, a misty-eyed look comes over a crowd that spans three generations. He is casting the spell every night for five weeks until November 28, drawing audiences that include many youngsters of the Metallica generation, an age-group whose parents courted to the melancholy of "Que C'est Triste, Venise" and "Hier encore j'avais vingt ans" (Yesterday When I was Young). He may be 70, Aznavour confides to the audience, but he was much more obsessed with nostalgia in those younger days. "It's in your twenties that you regret time passing."

Unlike the man from Hoboken who sings other people's songs, Aznavour has written the romantic soundtrack not just for himself, but for nearly half a century of performers, starting with Piaf. Juliette Gréco and post-war Saint-Germain-des-Près, all the way through to Patricia Kaas, the latest in the long line of Gallic stars struggling to make it abroad. He is still writing as hard as ever, offering half a dozen new songs in his show and launching *Tout et Moi*, a new album, already a hit.

Without doubt, Aznavour is, as *Le Monde* said this month, "France's last great singer on a global scale." Chevalier and Montand are gone, as are Georges Brassens and Serge Gainsbourg, singer-writers like Aznavour who never scored his celebrity outside France. The failure of the Gallic product to make it much beyond the francophone world is a matter of anguish for a country which is devoting millions to subsidising the losing fight against "Anglo-Saxon" culture.

How is it, many wonder, that Aznavour can still fill Radio City Music Hall in New York while France's younger

stars are virtually unknown abroad?

A silly answer would be that he is not French. Born in the Latin quarter of Armenian immigrant parents, Charles Aznavourian does pack a strain of levantine melancholy, as he says himself: "You can find all the themes of the Oriental in my songs: wine, women, love, the couple, age, death, time and nothing else." Another answer is that Aznavour is an abstemious perfectionist who, happily married for the past 27 years and a grandfather, has never of all as a wordsmith. "I'm someone who knows how to write and recite verses well." He could add that he is also a virtuoso actor, who turns his numbers into little sketches.

decade" and in the mid 1960s he shoved the Beatles out of the number one slot in the American hit parade with "She".

In his new show, Aznavour credits Trenet as his first master and is paying homage to him with "Trenement", the punning title of a new song in the older man's light-hearted style. "It was hearing Trenet for the first time that I realised that in the French song, the words are everything," he says, all Gallic charm and twinkling eyes. Aznavour regards himself first of all as a wordsmith. "I'm someone who knows how to write and recite verses well." He could add that he is also a virtuoso actor, who turns his numbers into little sketches.



Aznavour in his heyday: romantic soundtracks

But the explanation lies beyond the exotic tint and the professional technique. Aznavour is the greatest exponent of *la chanson réaliste*, those unvarnished poems of love, loss and anguish that conquered the world with Piaf in the late 1940s.

Piaf took Aznavour, a former child actor, under her wing as her protégé, persuading him to ignore the ridicule over his modest physique. "They used to say: 'When you are as ugly as that and when you have a voice like that, you do not sing. But Piaf used to tell me: 'You will be the greatest.'"

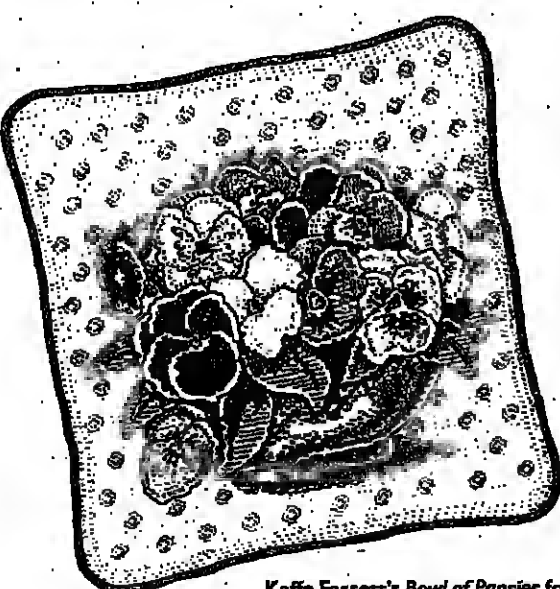
Success finally came in Casablanca in 1956. He finally broke through on his own at the Alhambra music hall in 1957 and France proclaimed him a star. America followed when he took the risk of booking the Carnegie Hall after starring in François Truffaut's film *Shoot the Pianist*. Life magazine called him "the international show business phenomenon of the

extraordinary energy, the deceived husband, the lonely gay and the jilted lover."

Aznavour said he learnt about pathos not just from Trenet and Piaf but from Carlos Gardel and Al Jolson. It is obvious that his broad appeal was driven by the way that he incorporated the American style and language, which, he says, he learnt from Cole Porter, Gershwin, Johnny Mercer and Sinatra.

Despite the American influence, Aznavour is fiercely patriotic and has no time for the ersatz American that passes for modern Gallo-pop. "We will succeed by defending the French spirit and not by copying the United States," he said the other day.

After writing a thousand songs and performing in 60 films Aznavour might be thinking of retirement to the Swiss villa where he has lived since running into tax troubles in the 1970s. But he will have none of it. He has one ambition, he says. "I want to be the oldest one in the cemetery."



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When it comes to needlework Kaffe Fassett is the master of colour and this lovely cushion shows why. The soft blends of colouring in the pansies' petals and leaves could only be his. Powdery pink and wine red merge with ivory, amethyst and heathery blue, while the bolder flowers mix chestnut browns against drifts of summer yellow — primrose, poppy, lemon and dusty gold. The leaves and bowl are predominantly leaf greens and olive but what really brings the composition to life is his choice of background colour — a fresh, pale minty green with subtle flecks of powder blue.

Measuring 16" x 16" the design is printed in full colour on 10 holes to the inch canvas. It can be worked in half-cross or tent stitch and enough 100% pure new wool from the Appleton range is included for either. The kit comes complete with canvas, wool, needle and instruction leaflet and costs £37.50 including postage and packing. When ordering use FREEPOST — no stamp is needed.

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TM12/94

A wolf inside every Fido

The latest attack on a child raises an atavistic fear in modern man



Wolf — genetic timebomb

locals cull them systematically. (The only increase in Russian wolf numbers during the two world wars, when men were busy killing each other.)

Even in modern society, every domestic dog has a little wolf in him. Accepted canine evolutionary history describes how wolves used to scavenge around human settlements 14,000 years ago. Gradually, men began to rely on them, and their highly developed senses, to warn of danger. Selective breeding ever since has been responsible for everything from the chihuahua to the St Bernard.

Since the 1976 Dangerous Animals Act it has been illegal to keep a wolf in Britain

without a licence, but this law does not apply to hybrids. The problem with Ishtar was that the years of breeding which have led to the even temperament, fidelity, and domesticity of most pets, had been bypassed. "There are a number of breeders producing these animals," said the RSPCA. "We are very much against it. The wolf is genetically predisposed to attack; it has none of the kinder tendencies that come with breeding. Foreign wolves are imported and coupled with domestic dogs with the result that their savage genes are at large in the canine population. We are calling for a ban on the import of wolves, a ban on breeding, and compulsory neutering of all existing hybrids."

BEFORE the Dangerous Animals Act the relative ease of buying a wolf led to such problems as the "Devil-Face" incident of 1961, when a Canadian timber wolf of that name which had been bought from London Zoo, escaped to terrorise Clapham. It died while being recaptured. In 1974, a

wolf called Walter escaped from the set of *Legend of the Werewolf* at Pinewood studios. It, too, caused widespread panic, and was hunted down by police marksmen.

Consider, then, before turning little Towser out into the garden when the moon is full, that he may yet feel the pulsing of his forefathers' blood in his veins, and heed the ancestral voices that are calling him.

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Alan Coren



■ Our decision to relocate is mutual, and no reflection on our beloved house

Not surprisingly, Monday's news that Richard Gere and Cindy Crawford had put their Bel Air house on the market for \$7 million immediately precipitated a huge postbag here at *The Times*. Our switchboards have been jammed. Our fax machines have melted. Wherry-faced mobs have thronged our forecourt, plucking the sleeve of every hack that passes. Where these poor souls clamour pitifully to know, is the full-page advertisement in this newspaper through which the radiant couple have been wont to communicate the innermost workings of their hearts? If it is indeed true that they and their beloved premises are parting company, why has the caring world not heard the reasons from their own very lips? Has something perhaps gone terribly wrong with the house?

In consequence, I took it upon myself today to e-mail them, and I am pleased to tell you that my screen has just received this reply:

A PERSONAL STATEMENT

For some reason unknown to us, there has been an enormous amount of speculation in Europe lately concerning the state of our property. We both feel quite foolish responding to such nonsense, but since it seems to have reached some sort of critical mass, here's our statement to correct the falsehoods and rumours in the hope it will alleviate the concerns of our friends and fans.

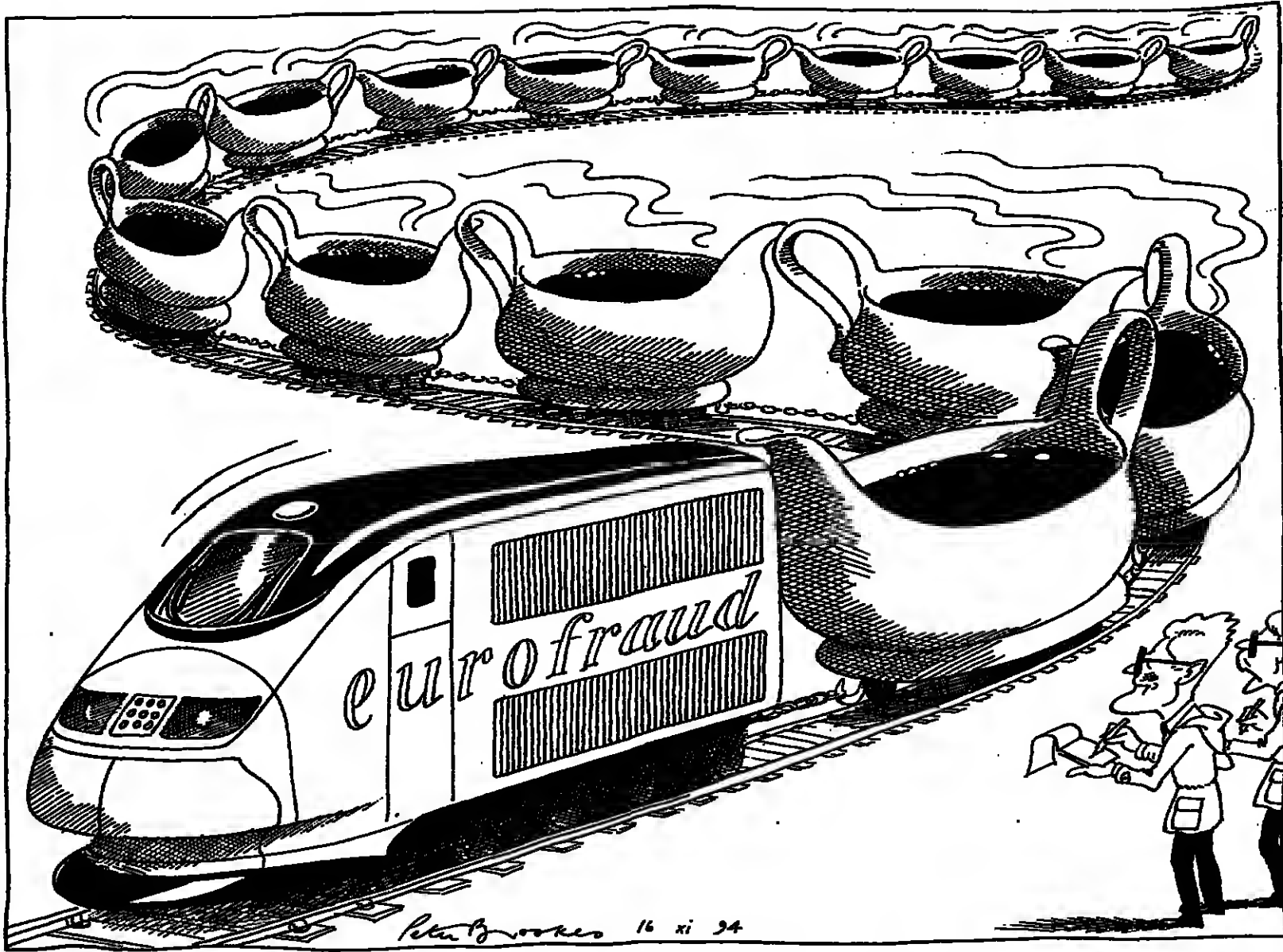
There is absolutely nothing wrong with our house. We made a legal commitment to our house because we fell deeply in love with it, and that love is as strong as ever. It is a warm and wonderful house, built on firm foundations, with a wealth of exclusive features finished to the highest standard, and enjoying a broad sunny aspect over mature landscaped gardens, secluded yet within easy driving distance of shops, schools and lawyers.

There is absolutely nothing wrong with the pool, either. It is a warm and wonderful pool with this terrific gizmo in the filter which prevents unsightly wrinkling, and a wealth of underwater lights and a diving-board plus we are throwing in eight poolside loungers with Lagerfeld cushions and a big parasol that does automatically during barbecues for safety reasons. The barbecue itself is so great it is also a major conversation piece, and has been host to innumerable celebrity auctions at which we have raised much-needed funds for such "difficult" causes as AIDS research, Tibetan independence, gay and lesbian rights, ecology, disarmament, cultural and tribal survival, democracy movements, non-violence and lo-cost shagpile for the differently-homed.

Contrary to ugly rumour, our tennis-court is totally intact. Girt with rare conifers from more than one country of origin, its playing surface is utterly free of weed and crack, thanks to a unique formula created originally for the Great Pyramid of Cheops, and enjoys weekly caring visits from its own aromatherapist. It also has unique underfloor heating, ensuring that it remains warm and wonderful, even in winter.

Inside the house, prospective purchasers will be entranced by a host of sumptuous decor firsts bespeaking a taste which we have been assured is the envy of crowned heads everywhere, and, contrary to unfounded speculation, there is no noise to speak of from any of the plumbing. Huge windows enjoying burglarproof electrified mullions based on designs suggested by Anne Hathaway's cottage afford breathtaking views of the fully detached garage block, which can be instantly flooded from each of the nine bedrooms, their ensuite bathrooms, and, of course, the diving-board. Reports of dry rot are totally false: the creak on the impressively balustraded den staircase has been diagnosed as the ghost of Mary Pickford, and is responding well to counselling.

We hope that, having allayed your fears, we may now be entitled to the privacy which is every human being's right. Selling a house is hard enough without all this negative speculation. Thoughts and words are very powerful, so please be responsible, truthful and kind.



America's flash in the pan

Bill Clinton should be able to win the next American presidential election. His Republican enemies have counter-attacked two years too soon. They control Congress and most state governorships. They have to put flesh on their crazier policies and have just long enough in which to fail. Mr Clinton is shrewd enough to see that opportunity.

Mapping the hairpin bends of American democracy is usually a fool's game, and it has never been more so than this past week. The electorate has allegedly veered to the right and sneered at the entire Clinton programme, which it saluted two years ago. This is thus a revolution, a catastrophe, an about-turn, a watershed. In British parliamentary terms, Mr Clinton has lost not just his majority but his deposit. He must preside over his country as Leader of the Opposition. Even the sober *Economist* declared that America "with a furious shudder has shifted convulsively to the right". Across the globe, the welfare state is seen as on its last legs. "What is being restored is the pre-New Deal tradition of American politics," said George Will, interpreter of the entrails of American politics to de Tocqueville's howling mob.

I have rarely come across interpretation so ostensibly detached from common sense. Last week, Bill Clinton's Democrats actually held onto their 43 per cent 1992 poll share. What happened was that the 19 per cent who voted for Ross Perot and cheated George Bush of the election went back to the Republican party fold. This was hardly a psephological revolution. In addition, at least 10 out of the 51 Republican House gains appear to have been the result of racial gerrymandering designed to give blacks more chance of electing black (Democratic) congressmen. In a Wall Street Journal/NBC poll, only 19 per cent said they saw the election result as a vote against Clinton. Most said it was just a comment on a tired old Democratic Congress. The election was hardly an anti-government, anti-leftist or anti-welfare vote. The old Reagan Republicans simply polled their full strength and perhaps a little more — not surprising in a mid-term election.

That did not stop last week looking like an eerie reprise of Britain in 1979. "Thatcherites" — the new Republicans happily acknowledge the debt — are in power in Congress after what they see as half a century of bipartisan socialism. The new House leader is a Ken Livingstone of the Right, a garrulous, iconoclastic Southern history professor, Newt Gingrich. He has pledged the Congress to a "Contract with America", to dismantle the Roosevelt/Johnson welfare state in 100 days.

The new hard-right Republicans want to cut welfare and get tough on crime. This has been tried before, and failed

His Senate colleague, the dour and sarcastic Bob Dole, wants to backtrack on Galt, get "even tougher" on crime, and subsidise farmers. Phil Gramm, fiscal conservative and Republican presidential candidate, seeks a constitutional amendment banning budget deficits. For good measure he hates Mr Dole, his potential rival for the presidential nomination. Jesse Helms, the new foreign affairs committee chairman, wants to get out of Haiti and the United Nations, into Bosnia and Cuba, and calls foreign aid a "cat's hole". These men are seriously right-wing, more Monday Club than Thatcherite Tory. They want to execute a killer a day.

The transformation in the political climate after just two years of Mr Clinton is stunning. *Newsweek* listed Washington's supposed new ins and outs. In are prisons, the Bible, beef, midnight curfews, electric chairs, state orphanages for teenage mothers, and AK-47s. Out are abortions, gays, ethnic minorities, the underclass, sex and jogging. In Texas, the outgoing Democrat governor's new drug rehabilitation centres are being swiftly redesigned as high-security prisons. The gun lobby is cock-a-hoop, so are the anti-abortion lobby, the oil industry lobby and every form of protectionism. This is the politics of the mean streak. It makes Ronald Reagan seem benign.

Britons who recall the heady days of 1979 will smile with nostalgia to see that have killed the Clinton's national health reform, but they touch medical aid to the poor and elderly at their peril. Their secret aim of devolving the welfare burden onto state taxes will not fool the voters any more than it will delight Republican governors. Nobody who has examined the figures has them adding

other obsession, balancing the federal budget, they blandly reply that tax cuts raise revenue by promoting income growth. Nobody takes such theories seriously, but those long out of power grasp at any straw they think might make two plus two equal five. Laffer was how President Reagan ran up the biggest peacetime deficit in American history.

Mr Gingrich may be naive, but he is determined. At the weekend he declared his chief enemy to be not Democrats but "traditional Republicans". Jack Kemp, a Bush cabinet member whom this cap might fit, pleaded that "small government and big prisons" hardly constitute a political programme.

What about America's most obvious problem, the cities? Mr Gingrich's urban policy is to stamp out the "counterculture value system" which "ruins the poor", and build more prisons. He says welfare benefits should no longer go to the able-bodied. They should only be for the sick and the temporarily deprived. A single mother would lose benefit if she had a second child, and those under 18 would have to surrender their children to state orphanages or get no cash.

Since the newcomers have pledged not to cut pensions or defence, they are faced with doing terrible things to "middle-class welfare", such as means-tested healthcare, student loans, the arts, education and farm subsidies. Some of these would have to come down by as much as a third, or be dumped onto state and local taxpayers. Even in America the welfare state is emerging as a middle-class issue. Most people nowadays know a relative or a child who is benefiting from it. The Republicans may have killed the Clinton's national health reform, but they touch medical aid to the poor and elderly at their peril. Their secret aim of devolving the welfare burden onto state taxes will not fool the voters any more than it will delight Republican governors. Nobody who has examined the figures has them adding

up to a balanced, or even deficit-reduced, budget. They make Labour's commitments look a paragon of fiscal respectability.

Any visitor from Britain has seen most of this before. I imagine it will all prove a flash in the pan. The American electorate loves to give its politicians a kick in the pants from time to time. But such kicks take a long time to reach the political brain, and get scrambled on the way. Certainly white male voters are fed up with seeing their taxes handed out to poor blacks to spend on drugs. They want welfare spending capped somewhat. Yet a fear of black urban unrest keeps those taxes flowing. American inner cities are like French colonies: worth any amount of subsidy to keep the lid on the simmering pot.

Likewise, voters despair of the billions passing from taxpayers to the American medical industry. But no politician will dare to put at risk the safety-net those billions provide. Republicans know that defence spending must be cut, but are wary of the defence lobbies. And they still hate the Russians.

It is the old story: the right-wing lurch is really the same as the left-wing one, and is never free. The new Gingrich Republicans will find in the Nineties what Britain's Tories found in the Eighties. Voters dislike their money being spent on other people, but feel rather comfortable about other people's money being spent on them. They will vote one way one year and the opposite the next. This is not a sign of derangement, nor a cataclysm, nor a revolution. It is just politics.

Margaret Thatcher said ten years ago what Mr Gingrich and Mr Dole are saying now. But what she actually did was spend more on the welfare state than had ever been spent before. Whenever she tried to cut — and she never tried very hard — middle-class voters and their representatives turned traitor to the cause. That is why she left office with spending rising, borrowing rising and a public sector as big as when she arrived. Already I note a phrase being used by some Republicans worried by the Congressional mean-streakers: "Caring Republicanism". It must be ominous to Washington's new men. Caring means costly.

"The biggest thing since Lenin," Mr Gingrich was quoted as saying of his victory. Pull the other one. Mr Clinton should be able to see off these clowns.

Simon Jenkins

Buy in, sell out

AS JOHN MAJOR shakes out his kitchen cabinet, I hear of a frisson in the ranks over filling another top post — that of Director of Communications. Tim Collins, famously a *Dr Who* fan, is departing, though he remains on the list of potential MPs. But the hierarchy is split over whether to replace him with another seasoned aide or to "buy in" a media figure. Deputy party chairman John Maples, charged with trawling for suitable candidates, says: "The party intends to make the appointment before Christmas." With Howard James as the PM's new political adviser at No 10, Patrick Rock emerges as runaway favourite for Central Office. Rock, 34, who has fought two seats unsuccessfully, is one of the party's most experienced political advisers, having worked for Chris Patten and Michael Howard.

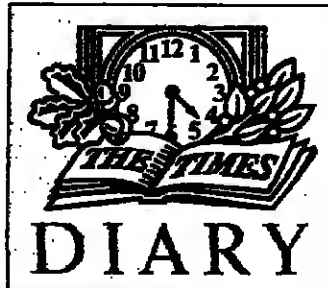
Yet there are murmurings in some quarters that the Tories need the equivalent of Alastair Campbell, Tony Blair's new propagandist and a former Westminster journalist. Names mentioned include the deputy editor of the *Daily Express*, blonde-haired Paul Potts, and Nick Robinson of BBC

TV's *Panorama*. "We need someone who can 'sell' Major and the party to the voters at the next election," declares one insider.

Grotesque

WHEN the Queen opens Parliament today, accompanied by the Prince of Wales, there'll be a change to the ancient Palace since she last drew up. One of the gargoyles which used to grace the roof

CASH CREAMED OFF AT EVERY STAGE MADAM



is currently being cared for by Her Majesty's Constabulary.

The stone effigy is being retained for possible use in evidence if the case of Regina v the five protesters who recently occupied the Commons roof ever goes to court.

Gulp galore

LORD PATRICK Douglas-Hamilton has no intention of letting his ten-year driving ban for drinking hold him back. At the Caledonian Club on Monday night he celebrated the launch of *Scotland: The Land and the Whisky*, for which he took the photographs.

"Islay was probably my favourite trip. I ended up staying there about a week," confesses Patrick, brother of Scottish Office minister Lord James Douglas-Hamilton. "It's always a temptation to

stay in with a bottle. Ireland may be next. "Or Russia," he mused. "The land and the vodka..."

Figure of fund

THE *TORY* coffers may lose Jeffrey Archer to charity. Rumours that in the aftermath of the Anglia share-dealing rumpus, his lordship was quitting the rubber-chicken circuit are exaggerated. Instead, his fundraising energies may be diverted into good causes.

For Archer, who recently played to a packed house in David Mellor's Putney constituency, is in even greater demand as a charity auctioneer. "He has just passed the £1 million mark for cash donations for the Tory party this year," says a confidant, "but he's raised £1.2 million for charity." The party's loss?

Snap happy

A FOOTNOTE to Princess Margaret's visit to Sidney Sussex, Cambridge, after her weekend luncheon, hosted by the splendid new Master, Gabriel Horne, and his wife Priscilla — and attended by Lord St John of Fawsley, Master of Emmanuel — Her Royal Highness was so taken by the college's 19th-century façade, de-



signed by Sir Jeffrey Wyatville, that she wanted to photograph it. Unable to take a satisfactory shot from the narrow street, she entered Sainsbury's emporium, whereupon the staff escorted her to the canteen on the upper floor —

the ideal location, it appears. The picture is to have pride of place, I am told, in her collection.

● Trevor McDonald was sluicing back the champagne yesterday at the launch of *Moet et Chandon's* first advertising campaign in 251 years. "I always take friends to the Oval Test, and we get through a fair amount of champagne. I hope the Elystan Fields have something comparable," he mused, raising his glass. "But I doubt it."

Last again

THOSE who fondly recall the water-skiing squirrel or the world cow-pat throwing championships can now revisit these chortle-inducing moments from "And finally..." — those dippy items at the close of ITN's *News at Ten*. A video has been made by Castle Vision, with stories from the past three decades, such as the learner's car which ended up in a swimming pool and the man body-painted as Big Ben.

Judy Lustigman, head of ITN's press office, admits to her own favourite: "The guardsman who left a vital part of his uniform unzipped on parade at Buckingham Palace..."

Strasbourg is for grown-ups

MEPs should have the power now, says Denis MacShane

For every politician or lobbyist, *The Times Guide to Parliament* is indispensable. Had it been published in the 18th century, the works of Sir Lewis Namier would have been redundant. But now, despite the robust editorial attitude of *The Times* towards all matters European, a sister volume marks the coming of age of the European Parliament.

Produced to the same high standard, *The Times Guide to the European Parliament* (HarperCollins, £25) lifts the veil on an institution destined to play an increasing role in all our lives. Though treated as a joke because of its peripheral existence between Strasbourg, Luxembourg and Brussels, and the Babel of its many tongues, the European Parliament is gradually asserting itself.

There is a long way to go. It was the Court of Auditors, not MEPs, who exposed the latest scandal of waste and fraud by Brussels technocrats. As supervisors of Euro spending, MEPs have yet to prove themselves. To anti-Europeans, Brussels and Strasbourg are twin corridors of national statehoods, and both should be abolished. Yet if decisions of any sort are to be taken at a pan-European level, democratic political control is needed, and those who would dig a grave for the European Parliament may yet see their shovels rust.

Europe is awash with parliaments. There are 17 in Germany, while in France many analysts think that membership of the influential regional councils — the one enduring reform of the socialist era — is worth more than anonymity of the National Assembly in Paris. The parliaments set up for Catalonia and the Basque country in Spain have helped to consolidate post-Franco democracy and kept Spain united by trimming the powers of Madrid.

Europe is becoming more like the United States, where state assemblies are increasingly the focus of political life, with the governance of a state remaining as important as the government of the nation. Here in Britain, Labour has cottoned on to the importance of reconnecting people to their elected representatives, with its proposals for parliaments or national assemblies in Scotland and Wales. With a meagre 650 full-time deputies, the British people are the least represented in the modern world, all the more so as the functions that used to be carried out by local councils are transferred to quangos stuffed with political placemen and "small government" advisers.

Now we have a further 81 elected representatives, the British MEPs, to speak for us. They are a diverse bunch. They are more ideological than their Westminster equivalents. More than half the Labour MEPs have signed a call to defend Clause Four, which Labour members of the Commons are by and large happy to see revised. And if Tory MEPs are thin on the ground, right-wing sharpshooters like Graham Mather are urging yet more deregulation of the British labour market.

While Labour and Conservative MPs, their European parliamentary colleagues remain more distinct. Yet a recent study by Matthew Dodd of the European Policy Institute, *Who Are the MEPs?*, shows that they are, if anything, more representative of the public than MPs and of the new market-orientated politics that have developed since the 1980s. Compared to the 1989 European Parliament, the present one has more MEPs from the business, financial and legal sectors, and fewer lecturers, journalists and trade unionists. Fifteen per cent of MEPs are lawyers, and only 7 per cent are trade union officials. This confirms, argues Dodd, the gradual retreat of trade unionists from elected office in European public life.

European politics is becoming a political career in its own right. A quarter of MEPs were elected before 1989, and almost a tenth have been MEPs for more than a decade. In the past, ambitious and able Labour politicians like Richard Caborn, Joyce Quin and Geoff Hoon served a spell at Strasbourg as an apprenticeship for Westminster. Now Labour has changed the rules to prevent such parliament-switching.

John Major is right to be suspicious of the European Parliament. The contingent of Labour MEPs there are among its smoothest operators. Unlike some big names from other countries who go to Strasbourg while waiting to be recalled to national glory, British MEPs are full-time Euro politicians. Pauline Green is Leader of the Socialist Group, the biggest block in the European Parliament. She chairs nine crucial committees, including key ones dealing with the budget and preparation for the 1996 Inter-Governmental Conference.

The disadvantage that Labour MEPs suffer from is that few, if any, speak other European languages fluently, and while English is slowly displacing French to become the principal tongue in Europe, the discussions in corridors and restaurants that really settle business exclude the monolingual Brits.

There is some comfort for Mr Major and other Conservatives hostile to the European Parliament. Assuming Tony Blair wins the next general election, and given the usual mid-term protest swing, the results of the 1999 European Parliament election could bring in some 70 Tory MEPs. A Conservative leader on the Opposition — Michael Portillo perhaps? — could find himself using his MEPs as a blocking group in Strasbourg to thwart or scorn socialist legislation in London.

The author is Labour MP for Rotherham.

P.H.S.

سنة ١٤١٥

CORRUPT TO THE CORE

The Brussels culture generates waste and fraud

The uproar over the latest annual report on fraud and waste in the European Union has far more to do with its timing than with the drama of its content. Its tales of wine lakes and payments for nonexistent training programmes make dispiriting and familiar reading. The tone from the European Court of Auditors is, if anything, mild. Last July's report by the House of Lords select committee on the European Communities was tougher, more detailed, and more radical in its proposed solutions. As the auditors themselves stress, most of their criticisms have been brought up annually since 1983 — for the good reason that despite the European Commission's "repeated assurances of remedial action" almost nothing has been done.

This year's report, however, puts particular pressure on the Government to respond to the Lords' complaint that the evidence of EC fraud has met with "a worrying absence of indignation" in national capitals. For its publication coincides almost precisely with today's Queen's Speech, which will announce legislation to implement the increased payments to Brussels agreed at the Edinburgh summit in 1992. Douglas Hurd yesterday expressed his satisfaction that the Court of Auditors was playing a "searchlight" on mismanagement of the European budget, but its exposures will hardly help the Government to obtain the reviving rebellion on its back benches.

The latest findings make nonsense of the Commission's claim that fraud amounts to "only" £600 million a year; many other estimates add a nought. The Commission refuses to name an exact figure, however. All they can be sure of is that most of it goes undetected, and that when detected by member states, it is frequently not reported to Brussels or to the auditors in Luxembourg. But it exists "everywhere" — and that

is the key point to be grasped. As the House of Lords concluded, fraud "on a monumental and growing scale" reaches "into every sphere of Community activity".

The common agricultural policy furnishes the most visible examples. It is a fraudster's dream, as are market-rigging systems everywhere. Step-by-step reforms will neither put farming on a sound basis or clean the muddle of financial abuses, as an expert report for the Commission's economic and financial affairs directorate emphasised last month. A new framework which leaves all farm subsidies up to national governments, not Brussels, is imperative. William Waldegrave's new think-tank on the CAP should take the experts' report as its starting point. But the regional and structural funds are fast rivaling the CAP for waste and fraud upon the taxpayer.

The Commission has, in theory, an "action plan" to improve its financial management. It has yet to come up with actual plans of action. Brussels itself is the problem. The growth in the Commission's influence is based on subsidy and the redistribution of wealth. The European Parliament belongs to the same culture. When the Commission set out in 1988 to double the "structural funds" for poorer regions of the Community, it was attacked by the Parliament because it could not find enough genuine projects. The following year, the Commission obligingly made certain every penny was spent. If value for money is ever to be assured, the Court of Auditors needs the assistance of an independent task force. It should examine the manner in which both the Commission and EU governments discharge their financial responsibilities. It should insist on real rather than cosmetic systems of accountability. The gravy train must be deprived of its engine. Everything short of that is mere tinkering.

INSIDE THE WORKSHOP

Nolan must acknowledge changes in the political world

The Prime Minister's stern warning to MPs on Monday that the House of Commons should not become a "hiring fair" was a necessary gesture after weeks of speculation and anxiety about moral standards in public life. The Nolan committee, he promised, would act as an "ethical workshop" called in to do running repairs — a welcome indication that its brief will not be confined to drawing up fixed ethical principles. In setting up this workshop, however, John Major should consider the nature of the materials with which its repairs will be working.

The nature of institutions such as Parliament is often defined in terms of political, legal, and ethical principle. But analysis of people's origins, their ambitions, and their affiliations is equally important. The history of Parliament cannot be understood without reference to the evolution of representative democracy, legislative technique and public service ethics. But the way in which politicians' motivations and patterns of behaviour have changed over the centuries cannot be neglected either. Those seeking to regulate political life in Britain must ask what sort of people they are dealing with.

Such issues have long been of interest to historians. Lewis Namier's brilliant analysis of parliamentarians' interests in the 18th century has been emulated by many scholars — notably Conrad Russell who has carried out similar work on the motivation of MPs before the Civil War. Less has been written by contemporary commentators. A notable exception is *The Times*'s political commentator, Peter Kiddell, whose recent book on political careers, *Honest Opportunism*, should be required reading for the members of the Nolan committee.

Kiddell identifies a "new governing class" bearing little relation to the "frock-coated top-hatted men of substance" whom Leo Amery recalled as the archetypal MPs of the

turn of the century. Today's parliamentarians treat politics as a career rather than an adventure or a pursuit. Most become MPs before they are 40; many will have fought several elections before securing a seat; those who are dislodged will generally seek to return to the House. Nearly a third of those who entered Parliament in 1992 were already working full-time in politics. For this breed of politician, a parliamentary seat is the most important rung of a well-defined career ladder, stretching from parliamentary researcher or special adviser to junior ministerial office and beyond.

As a consequence, Max Weber's distinction between those who live for politics and those who live off it has become increasingly blurred. It has yet to be demonstrated that today's politicians are less honourable or believe in less than their forebears a century ago. What has changed is the professional environment in which they work.

First, the expansion of government, the increasing volume of legislation and growth of constituency work mean that few can pursue demanding careers outside Parliament. Second, the scope for lucrative consultancy has increased, as most MPs have focused their lives upon the affairs of the House. Last year, more than 60 per cent of Tory MPs eligible to do so held outside consultancies; more than half of all Tory backbenchers are company directors.

If the House of Commons has become a "hiring fair", therefore, it is probably because of changes in the structure of political life rather than a wholesale decline in public morality. Lord Nolan may indeed conclude that these changes have made it necessary to draw up a brand new ethical code for serving politicians. But he should realise that he is addressing forces far stronger and more complex than the avarice of a small minority.

PICK A LOSER

The National Lottery Charities Board, for a start

In just three days' time, the first winner of the National Lottery will become a multimillionaire. But it could be another year before any charities learn whether they have won money from the board disbursing lottery funds. In an astonishing display of administrative incompetence, it has become clear that the National Lottery Charities Board may not be in a position to distribute its allocation of around £100 million until next autumn, even though it will receive its first cheque in a week's time.

The board has no chief executive; advertisements for the job were placed only three weeks ago and the successful candidate may not be in place until next March. It has no permanent office, and its telephone number is not available from directory inquiries. While applications for money from other lottery good causes, such as sport, are all set to pile in to the relevant bodies, the charities board is not inviting applications until next May.

The blame for this shambles should not be placed entirely at the feet of David Sieff, the board's chairman. He was appointed only in May of this year. The fault lies as much with the Home Office, which knew that such a post would need filling for well over a year before the final appointment was made. The Department of National Heritage (DNH), which has responsibility for the lottery itself, is not pleased with the dilatory behaviour of

its colleagues in Queen Anne's Gate. Such poor performance is not unknown in organisations, public or private, in which one department is expected to do legwork for another's pet project. Here the Home Office was given responsibility for the charities board because charities are its province, even though the lottery itself, and the other good causes, are all in DNH territory. It is perhaps not surprising that the Home Office has been less than dynamic in setting up the charities board when all the reflected glory of the lottery will descend upon DNH.

It is, however, a great shame. The National Lottery was supposed to be an undiluted good news for the nation. Already the charities are carping because some of the publicity for the lottery is emphasising the money that will go to good causes. That, they fear, will reduce direct giving to charity if punters feel that their consciences have been saved by buying a lottery ticket. The charities point out that, while only 5 per cent of every £1 spent on a ticket goes to them, the figure for a direct donation is 100 per cent.

This worry may be overplayed. People buy lottery tickets for the thrill of gambling; if they wanted to give money to good causes, they would do so directly. But if the charities are feeling aggrieved already, the Home Office and the Charities Board have given them extra ammunition. For such bureaucratic ineptitude, there is no good excuse.

Links between trade deals and aid for Third World

From Mr Simon Maxwell and others

Sir, What an admirable decision by the High Court that the Foreign Secretary acted unlawfully in approving £234 million in aid for the Pergau dam in Malaysia (report, November 11).

The success of the action proves, despite all appearances to the contrary, that there is still some life left in our civil institutions. The High Court itself, the World Development Movement, which brought the action, and the civil servants at ODA who blew the whistle on Pergau have together shown that ministers cannot expect to get away with the arbitrary and politically-motivated exercise of power. They have been more successful in this, it seems, than Parliament.

However, we must now watch the aid programme like hawks. The Government has said it will meet its commitments to Malaysia. The question is, from what source?

In your leading article today you refer to Douglas Hurd's comment that the aid budget is not immune to the "well-publicised constraints on public spending". Given the UK's already deplorable record on aid volume (13th out of 21 in the list of Development Assistance Committee donors by share of GNP given as aid), a failure to increase aid in the forthcoming Budget would be cause for serious alarm. It would be unacceptable if the aid budget were to be cut to offset the costs of meeting the Pergau project from elsewhere within the public expenditure total.

We must also ensure that when the money already spent on Pergau is returned to the aid budget, it is used to meet the ODA's primary mandate of reducing poverty. ODA's own figures show that only 5 per cent of current aid is used for direct poverty reduction projects, and the United Nations Development Programme has shown that less than 7 per cent of British aid is spent on human priorities within the social sector.

The £55 million which you report as having been spent on Pergau by the ODA is equivalent to 5 per cent of Britain's bilateral aid in 1994-95 — enough to make a significant difference to the programme. It is almost exactly equivalent to the amount that is expected to be cut from aid to Africa between now and 1996-97.

The High Court judgment provides an opportunity for the Government to reaffirm its commitment to a poverty-oriented programme which is free of political and commercial considerations. We call on the minister to make that commitment; to confirm that the aid programme will be maintained or increased in real terms, and to propose

ways in which the Pergau "dividend" will be used to make a real difference to the world's poor.

Yours faithfully,
SIMON MAXWELL,
JUDITH RANDEL,
MARIA ELENA HURTADO,
Independent Group on British Aid,
c/o Development Initiatives,
Old Westbrook Farm,
Evercreech, Somerset,
November 11.

From Professor Adrian Hastings

Sir, Mr Hurd must resign. There is no honourable alternative. It is hard to see on what public grounds any minister of the Crown could ever be expected to resign if, in the light of the Court of Appeal's judgment, he does not.

In cases of this sort there are three possible ways in which failure to resign might be defended. The first, the relative insignificance of the matter, the second, absence of any personal responsibility — on the grounds that the matter had been left in the hands of civil servants; the third, defensible unawareness of the implications and dimensions of a decision.

None is applicable in this case. In terms of the sums involved, relations with a major foreign power and the principles of Government probity, the matter at stake is hugely important. It was a personal and, presumably, pondered decision of Mr Hurd.

In terms of awareness of the dimensions of the decision, he had been fully warned by the Permanent Secretary of the ODA that it was "an abuse of the aid programme". If, in such circumstances, he did not himself raise the issue of its legality, that can only be the more compound his incompetence.

For a Secretary of State for Foreign Affairs not to resign in such circumstances is to betray a government's most basic responsibility: the upholding of legality.

Yours,
ADRIAN HASTINGS,
University of Leeds,
Department of Theology and
Religious Studies,
Leeds LS2 9JT,
November 11.

From Professor R. G. L. von Zugbach

Sir, The Pergau affair highlights the need for a reappraisal of the way in which the Government spends taxpayers' money on overseas aid.

Britain has to be seen to put money into the Third World begging bowl. Most of this is a write-off to good international public relations. In the

Pergau case, however, the result has been a 400 per cent payback in terms of defence contracts. A further multi-million-pound gain has accrued to the British construction industries involved in the project. The taxpayer has been more than well served.

Future aid donations should be judged by this high standard of concern for British interest.

Your obedient servant,
REGINALD VON ZUGBACH,
University of Paisley,
Department of Economics
and Management,
High Street, Paisley PA1 2BE.

From Mr Peter McGregor

Sir, There is no evidence whatsoever to support claims that the Pergau project in its final form was uneconomic. Statements to that effect by Sir Timothy Lankster, then Permanent Secretary of the ODA, compared it with a gas turbine station. But the gas turbine station was to be a base-load station, and Pergau is a peak-load station.

Electricity cannot be stored, but water can, and water power stations can be brought into operation very quickly. Electricity demand varies during the day and there are peaks (simultaneous maximum demand) which if not met will shut the system down. Only a full system study, such as the Malaysians carried out on a regular basis, can tell one whether peak capacity will be useful — not facile price comparisons.

After our own failure to cope with peak demand in the UK and because we have few water resources, we actually constructed four large and expensive dams — Blaenau Ffestiniog, Cruachan, Foyers and Dinorwic — so that we could pump the water up to the dam at off-peak times and have it available at the peak.

The Government has nothing for which to apologise.

Yours faithfully,
PETER MCGREGOR,
Dacre Cottage,
Longworth, Oxfordshire.

From Brigadier Robin Rhoderick-Jones

Sir, How does Indonesia, which is apparently prepared to pay £6 billion for arms (report, November 14), qualify for an overseas aid loan of £65 million from us, or anyone else, to build a power station?

Yours incredibly,
ROBIN RHODERICK-JONES,
Middle St Andrew's Wood,
Dulford, Cullompton, Devon,
November 14.

From Mr J. C. S. Mackie

Sir, Mr Luke seems to me to be labouring under a misapprehension.

I know that many towns in this country have twinning arrangements with continental partners, and I understand that in most if not all cases the expenses are borne by members of the twinning associations in the respective towns.

I have been a member of the Haslemere and District Twinning Association since its inception in 1985. Apart from some small initial expenses, there has been no charge to council funds.

I have participated in five "outward" twinning visits, including one as town mayor and one with the British Legion. For all of these I have paid my own expenses, including town gifts where appropriate. My wife and I have been pleased to give hospitality to incoming visitors on eight occasions. Twinning visitors are always accommodated by host members of the association.

I believe that most twinning associations operate on similar lines. The benefits to the community from the educational, cultural and sporting activities are very real.

Yours faithfully,
J. C. S. MACKIE,
Weald Mount, Hill Road,
Haslemere, Surrey,
November 11.

Town twinnings

From Lord Newall

Sir, Mr D. J. Luke (letter, November 11) wonders if town twinning creates sleaze by encouraging dignitaries to entertain one another at public expense.

I don't doubt that this happens from time to time, but I would suggest that the vast majority of town twinning is of enormous value to the people of those towns.

The Council of Europe (now 32 countries) has a sub-committee of which I am chairman, specifically to award four different levels of prizes to towns which work hard at exchanging all manner of people. These can be sports teams, firefighters, police, choirs, orchestras and, most importantly, school children, leading to deep friendships and, sometimes, marriage. Such exchanges often lead to business ventures.

We in Europe, with our different customs and habits, need to get to know one another, the better to understand our differences. Town twinning is surely the way for Europe to get together and overcome mis-understandings, rather than by forcing stupid rules on some of us.

Yours etc,
NEWALL,
Wootton Underwood,
Aylesbury, Buckinghamshire.

Argentine visit

From Mr Patrick J. Watts

Sir, I disagree with today's article in *The Times*, headed "Royal visit to Argentina revives fears in Falklands", which says: "Many islanders view the closer ties with dismay." Islanders have always accepted that political, economic, cultural, social and sporting links between Britain and Argentina must resume, following the hostilities of 1982. I have checked on my radio station with a considerable number of the population and I can find no "dismay" at the Duke of York's visit to Argentina.

Yours sincerely,
PATRICK J. WATTS,
13 Brisbane Road,
Stanley, Falkland Islands,
November 14.

Out of commission?

From Mrs Myrtle Ternstrom

Sir, May I ask what the members of the Royal Commission for the Exhibition of 1981 (Appointment, Court page, November 14) do?

Yours faithfully,
MYRTLE TERNSTROM,
Sandy Lane Road,
Cheltenham, Gloucestershire,
November 14.

Housing reform

From Mr Jason MacGillp

Sir, It is disappointing to see the tired old myths about "queue jumping" being dragged out yet again to justify criticism of homeless people (letter from Mr Julian Brazier, MP, November 11).

The majority of people who are accepted as homeless are on council waiting lists already. In the main, homeless families are those whose circumstances have become so urgent and so severe that they have run out of places in which to wait.

The issue should not be about blaming the victim or arguing about different queuing systems, but about developing a housing policy which ensures all people in need have access to decent-quality, affordable homes.

The crisis of under-investment in Britain is nowhere more stark than in housing. The housing profession, plus 10,000 other organisations and individuals who opposed the Government's homelessness review proposals earlier this year, look forward to a Queen's Speech which addresses the real housing problems of this country.

Yours faithfully,
JASON MCGILLP,
(Principal policy officer),
Chartered Institute of Housing,
Octavia House,
Westwood Business Park,
Coventry, West Midlands.

Paying a price for first oil bonanza

From Mr Mike Carter

Sir, Janet Bush ("Britain continues to pay price of first oil bonanza", November 8) is only half right when she asserts that "the taxpayer has gained nothing from the oil boom".

According to the Institute for Fiscal Studies three-quarters of the money from tax cuts since 1985 have gone to the richest 10 per cent of the population (report, August 31). Even in her own article on February 9 Ms Bush graphically details how Tory tax policy has made the rich richer and the poor poorer. The fact is that the rich taxpayer has made profound gains from the oil revenues of the past decade whilst the poor have been allowed to juggle with coppers.

Are these not the same rich who steered us through the recession whilst jacking up their salaries with king-size awards when profits dipped? Are these not the same people who protect themselves with three-year rolling contracts and outrageous gold-end bonuses, even when their companies are on their knees?

Are not these the very same people who are now saying the recession is over and the "feel-good factor" has just not got through yet? How would they know? They would not know what a recession was like even if it smacked them in the face.

Britain is certainly paying a price for the last oil bonanza but the burden is being carried on the wrong shoulders.

Yours sincerely,
M. CARTER,
Bradmar, Westhoughton Road,
Adlington, Chorley, Lancashire,
November 9.

Church closures

From the Bishop of Southwell

Sir, In her article, "Praying for empty pews" (November 9), Christine Webb stated that the Church of England has closed 1,340 churches since 1969. This is true, but it is important to put this figure into context.

Until the Pastoral Measure came into effect in 1969, there was no effective instrument for closing churches which had become redundant. As a result, a large backlog had built up, particularly in rural areas, which was gradually cleared during the 1970s.

In recent years, the number of churches closed has rapidly declined. Between 1991 and 1993, for example, 74 churches were closed and 45 new ones opened. Since 1991, a new congregation has been set up every fortnight.

Yours faithfully,
PATRICK SOUTHWELL,
Bishop's Manor,
Southwell, Nottinghamshire.

Faith with the fallen

From Mr Jeremy P. Gee

Sir, Mr Jack Kane's letter (November 10) refers to acts of misbehaviour and damage at Phaleron War Cemetery, whilst Mr Robert Armitage (letter, November 12) kindly pays credit to the general standard of maintenance.

It is quite true that there have been some recent unfortunate episodes. However, following these incidents, the ambassadors of the Commission's member governments made representations to the Greek authorities, and we trust that measures will now be taken by the police to discourage such acts of disrespect and vandalism.

That said, the recent incidents are not typical and Phaleron War Cemetery and the other 18 Commonwealth war cemeteries in Greece are normally treated with proper respect by those who live in their vicinity.

Yours faithfully,
JEREMY GEE,
(Director of Secretariat),
Commonwealth War Graves
Commission,
2 Marlow Road,
Maidenhead, Berkshire.

Grand Prix outcome

From Mr S. J. Johnson

Sir, Mr and Mrs Cleasby write (letter, November 15) of the "hollow victory" of "Her" Schumacher. I was rooting for Damon Hill in the last race, but I feel that a win for him would have been a hollow one, given the record of Schumacher and the reverses suffered by his team over the present season.

The Benetton team have generally out-performed the Williams team and deserve full credit: the best team won. Well done Michael, hard luck Damon — oh, and welcome back Nigel.

Yours faithfully,
S. J. JOHNSON,
Wilton House,
Miffield, West Yorkshire.

Clean bill of health

From Dr S. D. Dover

Sir, You report today that most of the banknotes in circulation in Los Angeles are contaminated with drugs, so that possession of contaminated notes cannot be used as evidence of drug dealing. I always believed that most drug dealers laundered their money.

Yours faithfully,
S. D. DOVER,
17 Heath Hurst Road, NW3,
November 15.

COURT CIRCULAR

BUCKINGHAM PALACE

November 15: The Queen held an investiture at Buckingham Palace this morning.

The President of the Republic of Fiji and his wife, Mrs. Sitiveni Rabuka, were invested with the Order of the Queen of the South.

The Lord Lucas of Crudwell (Lord in Waiting) called upon the President of the Republic of Kenya at the London Hilton Hotel, Park Lane, London W1, this morning and, on behalf of the Queen, welcomed his Excellency on his arrival in this country.

By Command of The Queen, the Lord Lucas of Crudwell (Lord in Waiting) was present at the departure of Princess Alexandra, the Hon. Lady Ogilvy and the Hon. Sir Angus Ogilvy for Denmark and to be followed by the Royal Highness and Sir Angus Ogilvy on behalf of the Queen.

The Hon. Mary Morrison has succeeded the Lady Ellen as Lady in Waiting to the Queen.

BUCKINGHAM PALACE

November 15: The Prince Edward, Duke of Kent, was present at the evening held at a meeting at Buckingham Palace.

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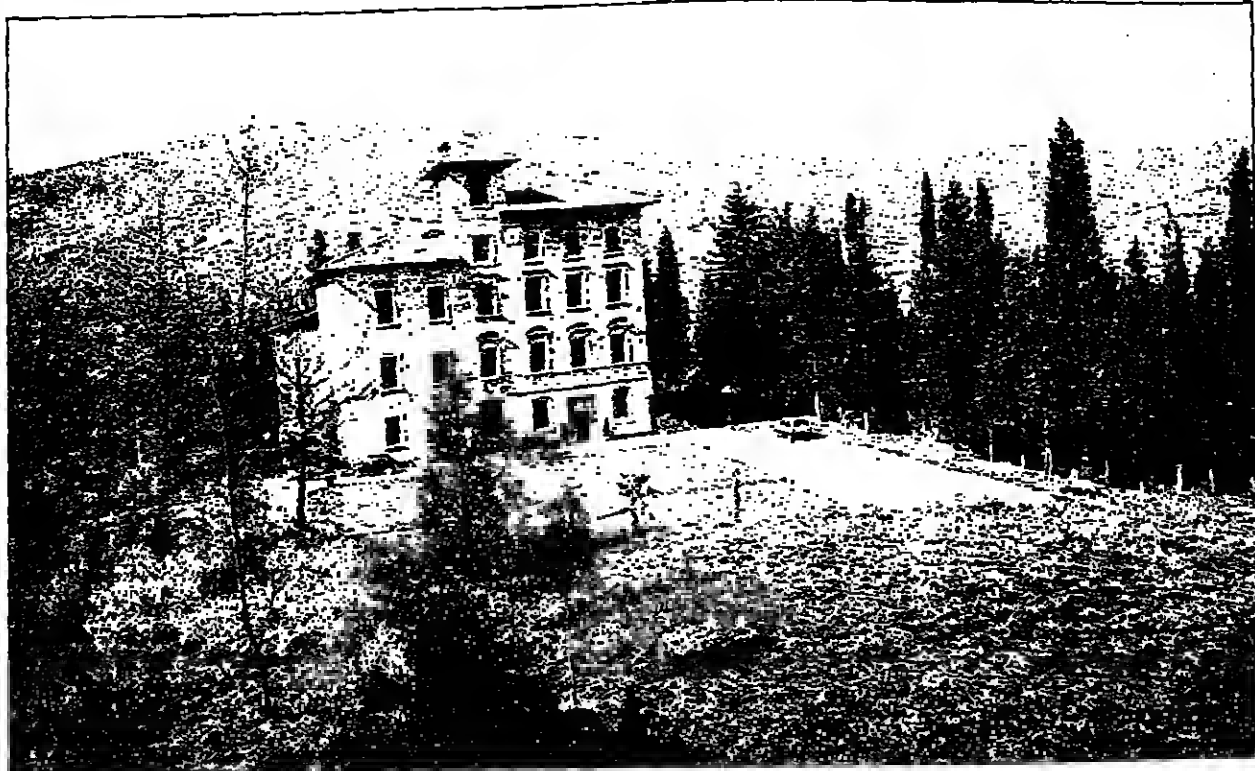
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The palazzo near Perugia in Italy which Lisa St Aubin de Teran, right, is having to sell

Palazzo inspired 'restoration' novel

THE novelist Lisa St Aubin de Teran is selling her Umbrian palazzo, the restoration of which is the subject of her latest book (Rachel Kelly writes).

Because of the novel, *A Valley in Italy*, Villa Quarata, near Perugia, has been compared to Peter Mayle's house in Provence. The book tells how Ms de Teran and her third husband, the artist Robbie Duff-Scott, restored the 34-room palazzo.

Now she is selling the house

for £800,000 through the agents Brian A. French because of debts incurred trying to sell her previous home, a baronial-style shooting lodge in Scotland.

"I'm an optimist and I was hoping that it wouldn't be necessary to have to sell," Ms de Teran said. "We were managing quite well but a court case in Scotland has gone against me."

Ms de Teran declined to say how much she paid for the palazzo, but the sum was

sufficiently low for her to be able to make out a Euro-cheque for the 20 per cent deposit, as she describes in the book. Since she moved to the house 5½ years ago, she and her husband have restored all but six of the 34 rooms.

The house has seven bedrooms, four kitchens, a hall, a billiard room, a white marble staircase and a hall the size of most rooms. The accommodation has been arranged as a main house and three self-contained apartments.



Dinner

Cortes International

Dr Michael Flynn, President of Cortes International, presided at the Annual General Meeting held yesterday at the Institute of Directors and outlined the activities of the company in 1994 and its prospects for 1995.

Ms Virginia Bonomy, Secretary of State for Health, was the guest speaker at a dinner held afterwards. Other guests included Lord Colwyn and Mr Glen Travers, Chairman.

Service dinner

The King's Royal Hussars

The Regimental Dinner of The King's Royal Hussars was held last night at the Cavalry and Guards Club. Major General J.P.W. Friedberger, Colonel of the Regiment, presided.

Today's royal engagements

The Queen will open Parliament at 11.30. Princess Margaret, the Duke and Duchess of Gloucester, and the Duke and Duchess of Kent will also be present.

The Prince of Wales will open the Civil Air Terminal, Newquay Airport, Cornwall, at 3.05 as President of The Prince's Youth Bursary Trust.

As President of The Prince's Royal Trust for Caring, she will attend a dinner at the Prudential Headquarters, Holborn Bars, at 7.30.

The Duke of Kent will open the Superhighway conference, held by European Informatics Market and the Federation of Electronic Industries, at Westminster Central Hall at 8.40. He will visit the Camden Food and Drink Research Association, Chipping Campden, at 2.30, and will attend a concert given by the French Ambassador at 7.45.

The Princess Royal, as President of the Patrons, Crime Concern, will

Birthdays today

Mr Peter Ainsworth, MP, 38; Mr Frank Bruno, boxer, 33; Mr Willie Carson, boxer, 52; Lord Fairbairn, 58; Mrs Zina Garrison, tennis player, 31; Viscount Goschen, 29.

Sir Colin Marshall, chairman, British Airways, 61; Professor W.G. Overend, former minister, Birkbeck College, 73; Mr Griff Rhys Jones, actor, writer and producer, 41; Sir Giller Shaw, MP, 63; Mr John C. Stenhouse, former chairman, Stenhouse Holdings, 68; Canon H.J. Stuart, former chaplain-in-chief, RAF, 68.

Sir Edward Tomkins, diplomat, 79; Mr David Wilson-Johnson, baritone, 44; Professor Sir Magdi Yacoub, cardiovascular surgeon, 59; Professor Michael Zander, professor of law, 62.

Forthcoming marriages

M.A. Catterall and Miss H.F. Stevenson

The engagement is announced between Mark, son of Mr and Mrs Catterall, of Cumnor, Oxfordshire, and Henrietta, daughter of Commander and Mrs Ronald Stevenson, of Green Hammerton, Yorkshire.

Captain D.O. Fairlie of Myres and Mrs J.E. Bingham-Nealand

The engagement is announced between David, widower of Ann, of Auchtermuchty, Fife, and Jane, widow of Richard Bingham-Nealand, of East Clandon, Surrey.

Mr N.I.A. Fellows and Miss H.C. Williams

The engagement is announced between Nicholas, eldest son of Mr and Mrs Peter Ward, of Rochdale, Lancashire, and Helen, daughter of Mr and Mrs Philip Davies, of Chorleywood, Hertfordshire.

Dr E.J. Hockings and Miss V. Valentini

The engagement is announced between John, elder son of Mr and Mrs E.T. Hockings, of Brisbane, Australia, and Victoria, elder daughter of Dr and Mrs Giorgio Valentini, of Rome, Italy.

Mr R. Vowles and Miss S. Dorry

The engagement is announced between Richard, son of the late Mr Charles Vowles and of Mrs Iris Vowles, of Trowin, Hertfordshire, and Suzanne, daughter of Sir Graham and Lady Dorey, of La Hougue es Pres, Vale, Guernsey.

Mr R. Ward and Miss H.C. Davies

The engagement is announced between Richard, eldest son of Mr and Mrs Peter Ward, of Rochdale, Lancashire, and Helen, daughter of Mr and Mrs Philip Davies, of Chorleywood, Hertfordshire.

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Eye of Session

Prime Minister

The Prime Minister was the host at a reception held last night at 10 Downing Street on the eve of the Opening of Parliament.

Carlton Club and Cecil Club

The Prime Minister was the principal guest at a reception held last night at the Carlton Club on the eve of the Opening of Parliament.

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TRADE: 071 481 1982
PRIVATE: 071 481 4000

PERSONAL COLUMN

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BIRTHS

BEALES - On 26th October, to Mrs J. Beales, a daughter, Sarah, born at 10.15. Birthweight 7lb 10oz. Aged 10. Birthdate 10.15.10. Birthplace 10.15.10. Birthplace 10.15.10.

BEALES - On 26th October, to Mrs J. Beales, a daughter, Sarah, born at 10.15. Birthweight 7lb 10oz. Aged 10. Birthdate 10.15.10. Birthplace 10.15.10. Birthplace 10.15.10.

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DEATHS

BURY - Barbara Mary (Mrs) Bury, nee 12th November 1924, aged 69. Service of Thanksgiving at St Martin's Church, London, on Monday 20th November. No flowers. Burial at St Martin's Church, London, on Monday 20th November. No flowers.

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OBITUARIES

Humphry Berkeley, Conservative MP for Lancaster, 1959-66, died yesterday from a heart attack aged 68. He was born on February 21, 1926.

ALTHOUGH he was a member of the House of Commons for fewer than seven years, Humphry Berkeley could claim to have had a much greater impact on political life than many MPs who linger at Westminster for longer. He played a leading part in the abolition of the death penalty, seconding the Bill that led to the suspension of hanging in 1965, pioneered homosexual law reform in the Commons, though his own Private Member's Bill fell with the calling of the 1966 general election, and finally made a lasting mark on the Conservative Party with his "Berkeley memorandum" which led directly to the change in the system under which a Tory leader used to "emerge" instead of being directly elected by the parliamentary party.

It is this last achievement which will ensure his place in the political history books. Appalled by the way in which "the customary processes of consultation" had, as he believed, robbed R.A. Butler of his rightful inheritance in October 1963, Berkeley mounted an immediate campaign to discredit the old "magic circle" method of leadership selection. A great phrase-maker, he publicly likened the way in which Sir Alec Douglas-Home had come to the prime ministership to "the entombment of a tribal chieftain" and worked indefatigably to ensure that nothing of the same sort could ever happen again.

With great generosity, the new Tory Prime Minister asked Berkeley to outline his proposals for reform and then substantially adopted them in his own scheme

for all future leaders to be chosen by a ballot of Conservative MPs. The new arrangement first came into effect with the election that brought Edward Heath to the leadership in July 1965 and has been used with minor modifications — notably over the provision for the annual nature of such elections — ever since. It was a witty, but characteristic, touch that by the time it was used for the second time Berkeley himself should already have become a member of the Labour Party.

He was, in fact, probably the only postwar politician to have fought elections for three separate parties. Effectively deselected by his constituency of Lancaster after his defeat there in March 1966, he went on to be Labour candidate for the Tory stronghold of North Fylde in October 1974 and for Southend East in the SDP interest in June 1987. But if there was little consistency about his later political conduct — he finally reverted to the Labour Party in 1988 — his approach to politics certainly did not lack integrity. Once he had lost his Commons seat in 1966, he was formally approached by the then Labour Chief Whip, John Silkin, about going to the Lords (he had already become chairman of the United Nations Association). All went well until it was made clear that the Wilson Government would expect him to sit as a Labour peer. Berkeley point-blank refused. The one thing that he was always determined to be was his own man.

Humphry John Berkeley was the son of Reginald Berkeley, playwright, Hollywood screenwriter and one-time Liberal MP for Central-Nottingham, and his wife Hildegard who subsequently remarried. He was educated at the Dragon School, Oxford, and, after the death of his father, at Malvern



College. He was unhappy there, for he was unathletic and rebellious; by the time he left much of his self-confidence had been eroded. Cambridge, however, restored it. He read history at Pembroke (where Rab Butler's father, Sir Monagu Butler, was Master) and became chairman of the University Conservative Association and president of the Union.

After going down from Cambridge — where an elaborate practical joke played on some public school headmasters led him to be rusticated by his college authorities — the young Berkeley himself started out as a schoolmaster. He taught for two terms at The Leys School, Cambridge, but was then invited by Lord Woolton to become the staff member in charge of universities at the Conservative Central Office. In the 1951 election he stood unsuccessfully by at Southall, being defeated by nearly 8,000 votes. But at Central Office his career prospered. He became political education officer for London and then director of the Conservative Political Centre, putting him in charge of political

education throughout the country. In 1956, with his eyes already firmly on the House of Commons, he gave up being a party servant to become director-general of the United Kingdom Committee of the European Movement. His reward came a year later when he was chosen as prospective Conservative candidate for Lancaster. At the October 1959 general election, at the age of 33, he was elected to the House of Commons with a comfortable majority of 5,528.

At first all seemed set fair. It was a period of his life when he was relatively prosperous — as a partner in a small merchant bank he drove a Rolls-Royce and lived in a smart Belgraveia flat to which even the most senior Tory MPs would willingly repair for champagne receptions ("Aren't they," their host would inquire rather too loudly, "sweet old things?"). Probably it was all too good to last — and, although Berkeley certainly made an impact on the Commons, it was by no means always a favourable one on his own side of the House.

He was the perpetual rebel — strongly backing Iain Macleod over Africa but firmly opposing even Rab Butler on such matters as the Commonwealth Immigrants Bill and the Wedgwood Benn peerage affair. A staunch opponent of apartheid, he would readily join people like Barbara Castle and Fenner Brockway in street demonstrations and rallies against the South African government. Nor was he ever afraid of anyone. On one occasion, having been rebuffed on the floor of the House by the Attorney-General, Sir Reginald Manningham-Buller, he wrote the Government's chief law officer a note which concluded with the warning: "Should you consider the contents of this letter defamatory, may I strongly recommend

that you seek competent legal advice before taking any action?" It was not perhaps surprising that the Conservative hierarchy regarded his failure to hold his seat at Lancaster as one of the more sustainable blows of the 1966 general election. He did, however, retain the strong loyalty of Iain Macleod — for whom he had set up and funded a political office after the party went into Opposition in 1964. He was certainly fiercely opposed — he was abroad at the time — to Macleod's decision not to enter the 1965 leadership contest.

The tragedy was that, once out of the Commons, Berkeley was a man bereft. He loved publicity and this became much harder to get once the only label that could be attached to his name was that of "former MP for Lancaster". For a time he certainly hoped to get another seat but his two resignations from the Tory Party in the space of two years — he went back after the first one at the behest of Macleod — inevitably put paid to that.

He also appeared to develop a curious capacity for provoking rows. In the UNA he entered into a bitter power struggle with the organisation's director-general and, although he probably had right on his side, the episode ended with both of them being forced to resign. In addition, he got locked into a libel action brought by Jeffrey Archer (then a Conservative MP) which, although abandoned by the plaintiff at the courtroom door, became for a time almost an obsession.

The late 1960s and 1970s represented a period in which Berkeley's actions often seemed to be characterised by a striking lack of judgment. He became the leading London apologist for the Bantustan of Transkei — at least until he found himself bundled into the back of a car and almost murdered on the native turf of that "homeland". After an abortive enterprise to bring hotels and tourism to Mauritius, it came as a relief to his friends when in 1984 he accepted a fund-raising job with the Sharon Allen Leukaemia Trust, for which he worked tirelessly during the last ten years.

J. I. M. STEWART

J. I. M. Stewart (Michael Innes), novelist and Reader in English Literature at Oxford University, 1969-73, died on November 12 aged 88. He was born on September 30, 1906.

AS Michael Innes — the author of urbane, intelligent thrillers which made a considerable impact when they started

appearing in the 1930s — J. I. M. Stewart was also a novelist under his own name, as well as being an Oxford don and literary scholar. In the last capacity, English studies are indebted to him for the volume *Eight Modern Writers* (1963) and his work on Shakespeare, Hardy and Conrad, undertaken during his 24 years as a Student of Christ Church, Oxford, from the late

1940s onwards. The works of J. I. M. Stewart the novelist also draw heavily on Oxford, as well as on the techniques of Henry James. They always promised, if somehow never quite delivering, fiction of high distinction. But it is as Michael Innes, creator of the detective Inspector Appleby, that Stewart must expect to be most widely remembered. His crime nov-

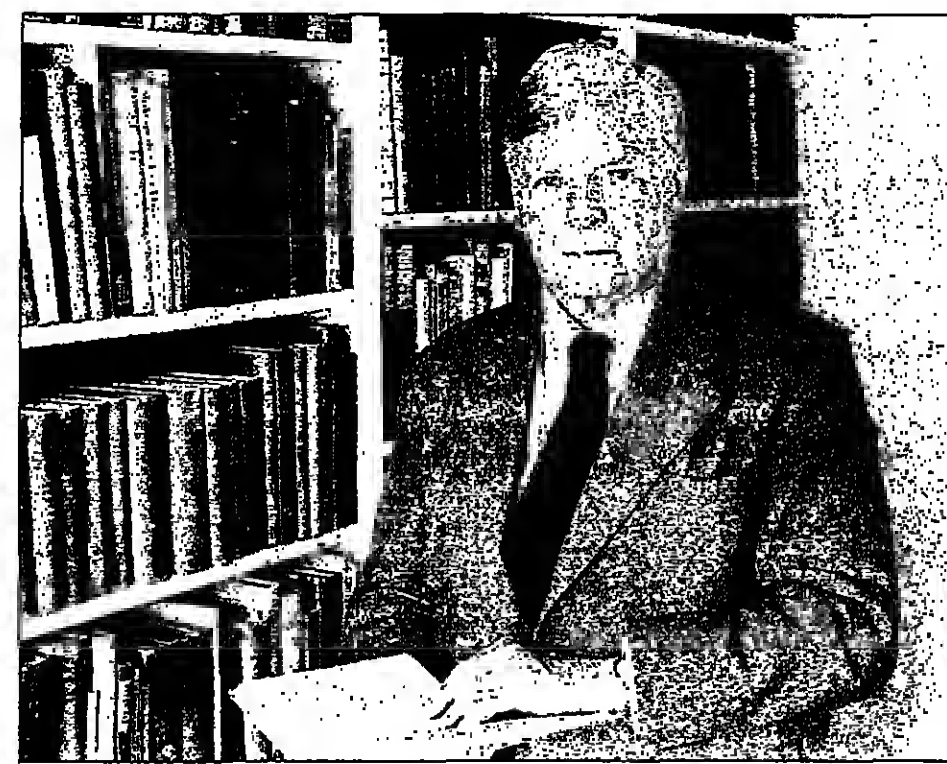
els, especially the early ones, can stand comparison with any. From the appearance of *Death at the President's Lodging* (1936) he announced that he could raise crime fiction to the level where it can captivate those for whom it is not a natural interest. Appleby, Innes's enduring and indefatigable sleuth protagonist, was named after a graduate student at Leeds

University, where Stewart taught for several years. The real-life Appleby repaid the compliment when he started writing himself, calling his detective hero Inspector Innes. John Innes Mackintosh Stewart was the son of John Stewart, a Director of Education for the city of Edinburgh. He grew up in a highly cultivated background and was educated at Edinburgh Academy and Oriel College, Oxford, where he took a first in English language and literature in 1928.

After graduating he spent some time in Vienna where he studied Freudian psychoanalysis. Returning to England he held a lectureship in English at Leeds University from 1930 to 1935. At Leeds he began writing detective fiction, although his first novel did not appear until later. He had, meanwhile, already opened his account as a scholar, producing an edition of John Florio's 1603 translation of Montaigne's *Essays* in 1931.

In 1935 he accepted an invitation to become Jura Professor of English in the University of Adelaide, where he was to remain for the next ten years. But Australia did not suit his refined temperament, and he was not sorry when he was able to return. Nevertheless the reception of his first novel in England was a great consolation to him. In a somewhat wordy exordium to its review, *The Times* defended its manifest approval of *Death at the President's Lodging* thus: "There is some disposition to deny that a book the plot of which is concerned with a crime and its investigation has a right to any very serious appreciation and concern. Those who are not so prejudiced will pronounce *Death at the President's Lodging* worthy of a place among the very best of recent novels."

The novel's immediate successors: *Hamlet, Revenge* (1937), *Lament for a Maker* (1938), *Stop Press* (1939), *The Secret Vanguard* (1940) and *There Came Both Mist and Snow* (1940) confirmed this initial promise. When Stewart returned to Britain after the



war to take up a lectureship at Queen's University, Belfast, in 1946, it was to find himself well established among crime writers — and with an unexpected reputation in America, where the readership of this type of fiction traditionally demands a higher casualty rate per 100 pages than Michael Innes provided.

In 1949 Stewart became a Student of Christ Church where he was to remain until 1973, for the last four years as University Reader. He had been commissioned to write a volume for *The Oxford History of English Literature* but, meanwhile, he published *Shakespeare and Motive* in *Shakespeare* (1949). When his volume of the *Oxford History*, the 12th, appeared in 1963 it had as its title *Eight Modern Writers*, the eight being Hardy, James, Shaw, Conrad, Kipling, Yeats, Joyce and Lawrence. This was well received for its insistence on literary criteria rather than biographical detail. It was followed by single-volume studies: *Rudyard Kipling* (1966), *Joseph Conrad* (1968) and *Thomas Hardy* (1971), which amplified

the sketches already given of these authors in the *Oxford History*.

While at the same time lecturing and participating in college life, Stewart had begun to write "serious" novels in the 1950s. The first of these, *Mark Lambert's Supper*, took up a Jamesian theme and a plot owing much to *The Aspern Papers* and developed it in a series of sequels: *The Guardians* (1955), *An Act of Grace* (1956) and *A Villa in France* (1958). Unfortunately the endeavour never really shook off the influence of his great inspirer, either in point of style or content, and remained a work to be appraised with interest rather than admiration.

For a more formalised assault on the roman fleuve genre, the five ovels which make up *A Staircase in Surrey* (1974-79). Stewart took as his model C.P. Snow, whose work *The Masters* he had read while on a visit to Cambridge. This was a pity. If James made a somewhat dangerous model, at least he was a first-rate one. The absence of a genuine creative spark in Snow made him a bad master — especially

for a writer of such natural grace and refinement as Stewart. In the upshot, the Oxford of the quintet remains as insubstantial as Snow's Cambridge and his corridors of power.

Meanwhile the flow of detective novels continued unabated — indeed Stewart's creative output was enormous, when considered in the context of his commitment to teaching and scholarship. But in the later Appleby books a slackening of energy was perceptible. If the insight was acute as ever, Appleby tended to melt into a somewhat conventional old age, expressed in an increasingly mannered prose.

Besides producing a further work of scholarship, *Shakespeare's Lofly Scene* (1971), Stewart did a number of radio programmes on literary topics, some with his old friend Rayner Heppenstall. These blended his considerable scholarship with the wit and inventiveness which characterised his best, his freshest fiction.

His wife Margaret died in 1979. He is survived by three sons and two daughters.

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FROM OUR CORRESPONDENT

ROME, NOV 15

On November 22 a Russian novel entitled *Dr Zhivago*, by Mr Boris Pasternak, who is better known as a poet, will be published in Italy by the Milan publishing firm of Feltrinelli. Signor Giangiacomo Feltrinelli, the head of the firm, told your correspondent of the complications which preceded its publication.

"For the second time in the 40-year history of the Russian revolution," he said, "a Russian novel by a Russian writer describing life in Soviet Russia without the approval of the Russian Communist Party's censorship will be published and read outside Russia. The first case was in 1953, when a Berlin publisher published a novel by a Russian writer, whose name I cannot recall."

"The reason the Italian language edition comes out first, although French, English, American and Swedish editions are also being prepared, is that the

ON THIS DAY

November 16, 1957

There was considerable excitement in European literary circles when it was announced that *Dr Zhivago* by Boris Pasternak (1890-1960), was to be published by an Italian firm.

Manuscript was given by Pasternak to an emissary of mine on a visit to Russia. I had sent for it when I heard that he had finished a novel, the first for many years. Pasternak is a friend of mine and gave me the world copyright unhesitatingly.

"Pasternak is not a hero of deviationism or a rebel against the present regime in Russia. He simply tried to write a sincere novel. He did his best to

stop the publication after he was told that the Russian Communist Party did not approve of it. I insisted, however, on publishing the novel, because I think it serves a useful purpose. I am greatly relieved to read now in a report by the Italian Communist organ, *Unita*, that there may, after all, be a Russian edition some time next year."

"Pasternak's novel is the story of Soviet Russia since the revolution as lived by Yuri Andreyevich Zhivago, a doctor, the descendant of a once wealthy bourgeois family. It is true that considerable pressure was brought upon me to postpone or even cancel the publication of the novel. I was approached by prominent people in the Italian Communist Party, of which I am myself a member."

"It was, and still is, my political conviction that I am doing the right thing in publishing the novel."

It was reported early this week that an English edition of *Dr Zhivago* is to be published by Collins early in the New Year.

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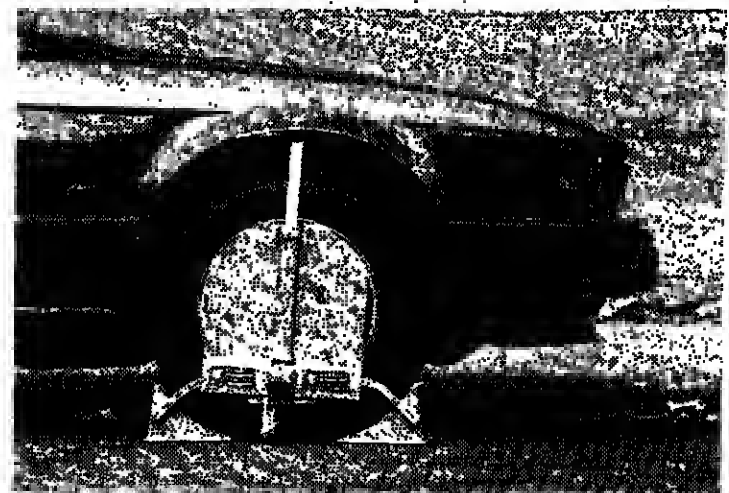
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Move here, have £10 million thrown in

If the market simply won't budge, make your prospective tenant an almost unrefusable offer. Christopher Warman reports

In a bold attempt to kick-start the commercial property sector into activity, the developer Imry Group is launching a scheme for its 103,000 sq ft building at 1,000 Great West Road, London, which seems to offer money for nothing.

Wang, the computer company, is vacating the property — recognised as the Wang building by thousands of motorists on the way to Heathrow airport — with 19 years of the lease to go, and it paid Imry a premium for doing so. In return Imry is offering the next tenant £10 million to move in. This could be regarded as a gimmick, but Martin Myers, chief executive of Imry, insists it is serious, practical and — more important — self-financing.

There is a catch for the prospective tenant, however, because even the most philanthropic of property developers does not give £10 million away for nothing. So for the £10 million payment, the tenant would be required to pay the rental level agreed with Wang before the recession and the consequent decline in market rents.

Mr Myers explains: "The problem of over-rented office buildings has been recognised by the property industry for several years now. We believe that Imry's innovative new approach of offering a very large cash sum to an occupier to take space is the way forward for

the entire sector. Not only will it prove, under all realistic scenarios, self-financing for the tenant, but a landlord making such a capital investment will generate a very satisfactory return in terms of income, as well as maintaining the capital value of the building itself."

Smaller scale tenants' incentives, such as rent-free periods or capital contributions for fitting out, are commonplace in seeking to persuade companies to sign leases. The difference with this office, Imry claims, is that — on certain assumptions — the tenant may easily be able to walk away with the £10 million.

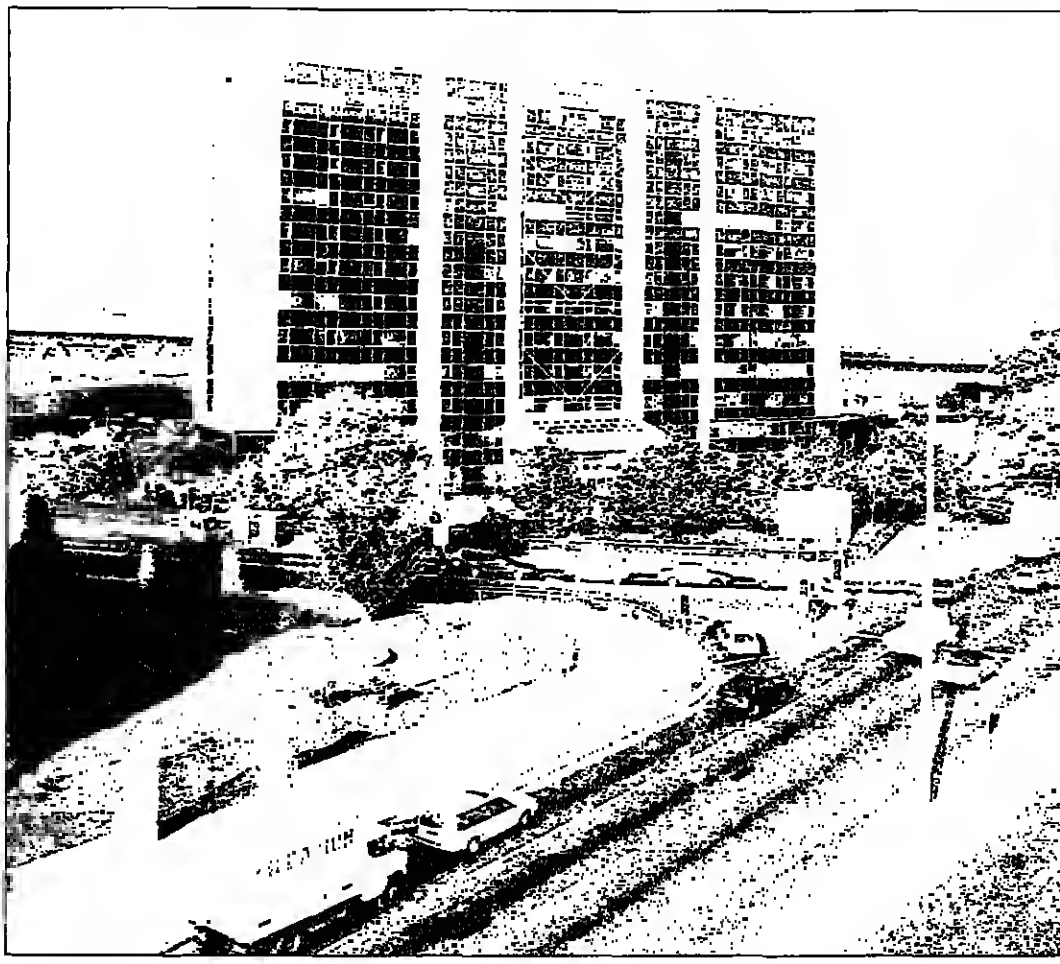
At 1,000 Great West Road, Imry is asking prospective tenants to assume Wang's rental obligation of £2.825 million (around £27.50 a sq ft). This compares with current market rental levels of about £20 a sq ft, and would mean the tenant paying an extra £765,000 a year. For a financially healthy com-

pany, this could be self-financing. The company would need a return of 7.65 per cent on the £10 million to pay the extra, and with most stocks and other large corporations looking to generate an internal rate of return of over 10 per cent, this seems attainable. Under that scenario the tenant would still have the £10 million cash benefit, but if rents rise from their historically low levels — as they are predicted to do in the next few years — the £10 million could be a pure windfall.

Stockbrokers James Capel have forecast that rents in the West End, for example, will rise by 30 per cent by the end of 1995, and similar predictions have been made for property further west.

Mr Myers appreciates that prospective tenants may not wish to go for the innovative option, in which case Imry will be happy to let the building at the market rent, but he argues it would be a way of maintaining values and therefore helping to accelerate the recovery.

He believes that few new buildings will rise in the next two or three years, which will bring about an equilibrium to the market. Then, assuming that many second-rate buildings will never be let again, shortages will appear. As with musical chairs, when the loss of one chair causes a stampede for the others, so will the market respond and values will rise again.



A tenant at 1,000 Great West Road would pay pre-recession levels rent — but with compensation

MARKET MOVES

Plantation's new growth

PLANTATION Wharf, at Banersea Reach, Wandsworth, the landmark riverside scheme developed by Broadwell Land plc, has been sold to Cinnamon Ltd, a nominee company, owned by a Middle Eastern investor, after four years in receivership. The freehold sale includes 11 buildings and a site, including over 180,000 sq ft of offices, 105 residential units and 380 parking spaces.

The administrative receivers, Messrs J.A. Talbot and M.L. McKillop of Arthur Andersen, continued to let office space throughout the recession, and converted Trade Tower into apartments and penthouses.

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MORRISON Development has embarked on the development of Gwent Europark, a major distribution park in South Wales which comprises 224 acres of serviced land capable of supporting 2.6 million sq ft of distribution space. It is one of two sites bidding for the South Wales rail freight terminal to link Welsh industry with the Channel Tunnel.

The joint agents Chesterton and Hutchings & Thomas say the development will be carried out on either a design-and-build basis, or with units being offered on freehold or leasehold terms. Tesco Stores is nearing completion of its regional distribution centre on the site.

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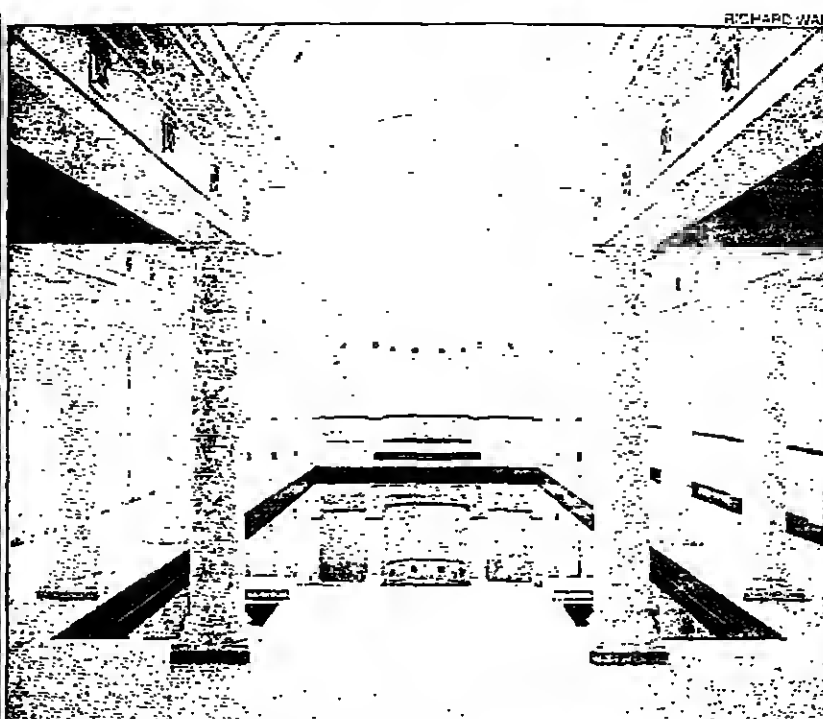
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Mystery behind the £25 million house



The Japanese developer, Norikazu Nemoto, in his Mayfair flat; the swimming pool in the Old Rectory, which is lined with black marble, and the outside of the property, with its added wings at Old Church Street, Chelsea

A Japanese anglophile has transformed an old rectory — cost £8 million — into one of Britain's most exclusive houses. Rachel Kelly has a private viewing

The name Norikazu Nemoto is probably unknown to most. But in the property world he is making waves — tidal ones. For this 46-year-old, impeccably tailored Japanese businessman is the man behind the Old Rectory, 56 Old Church Street, Chelsea, on the market for £25 million and one of Britain's most expensive houses.

Toyoko Metropolitan Company (TMC), his British firm, acquired the rectory in 1990 for about £8 million and has spent at least the same again transforming it into probably the most handsome house in the land.

Considering the price of the Old Rectory, few homeowners are likely to be able to afford Mr Nemoto's creation. Most agents, including Knight Frank & Rutley which has been selling the house since this summer, agree that the most likely buyer for the rectory would be a foreigner.

But when I spoke to Mr Nemoto at his Mayfair flat last week, he revealed other plans which are likely to have more relevance for home-grown buyers. Inspired by a love of all things British and a rejection of the modernity of Japan, he plans to develop — as soon as he can — at least four more houses or flats in London. These will be given the same attention to style and detail that has marked the Old Rectory, but their price tags will be nearer the £1 million mark.

He has plans for at least four such projects a year, and is has committed

himself in the long term. In ten years' time, he envisages spending six months a year in England, combining an expansion of his business interests in Britain with his air-conditioning-to-civil-engineering business in Japan which employs 2,700 people and has a turnover of £150 million a year. Though he would like to build from scratch, planning regulations and the lack of land in central London mean that it is more likely that his projects will be refurbishments.

"We don't plan any more big trophy projects after the Old Rectory," Mr Nemoto says. "From now on, my partners and I are looking to refurbish or develop properties that will still be unique, but their prices will make them relevant to more consumers."

His partners are the design duo, Anthony Collett and David Champion, who have until now represented TMC. Their previous work includes Jeffrey Archer's flat on Millbank, and the Bath and Racquets Club for Mark Birley. As Mr Nemoto says, he is the patron who allows their creative genius to flourish.

Such projects will still be exclusive and preserve only of the very rich. Mr Nemoto is not talking mass-produced, Wimpey-style homes. But his vision of state-of-the-art property developments is a useful lesson in the future of interior

decoration and architectural refurbishment. Few may be able to afford the work of TMC but its influence is already being felt. As in the world of high fashion, where couture leads, the high street follows.

One theme is the restraint of the decor. Mr Collett and Mr Champion are of the Conran rather than the Laura Ashley school of home decorating. Both old and new are combined and admired in their decorative schemes, which feel modern but are peppered with classical references.

It is, says Mr Champion, "dry, simple, and plain, with only the odd flurry and bit of amusement". This is the direction in which interior decoration is going. Farewell to splashy flowers and ruffled blinds. Bye bye to chintz and Smallbone. Hello to pared-down simplicity.

The natural beauty of expensive materials — typically the warmth of wood and marble rather than the coldness of glass and steel — is allowed to speak for itself. At the Old Rectory, the shower rooms are made of ochre Sienna marble, exuding what Mr Collett describes as that "wonderful Moroccan feeling". The cupboards

are made of cedar of Lebanon, which delects moths and smells delicious.

In Mr Nemoto's Mayfair flat there are full-height, four-panel folding doors which close off each reception area. The doors are coated in pure gold leaf, man-vanished. Sometimes, materials surprise. The curtains are trimmed with a suede-look-like material more usually used in yacht interiors. The effect is soothing. This is increased by the way that rooms in TMC developments flow into one another, echoing colour schemes and architectural leitmotifs.

A second theme on display, not only at the Old Rectory, but in TMC's other three London projects — re-

decorating Mr Nemoto's own flat, refurbishing a house in Rutland Gate and building a modern house adjacent to the Old Rectory — is the division between formal and family life.

At the Old Rectory, a new Palladian-style north wing added to the existing Grade II listed building, contains most of the staff rooms, tucked away in separate suites with a floor lay-out designed to allow unobtrusive entries and exits.

The problem with many newly built expensive houses, Mr Champion says, is that they fail to make proper allowance for the need for staff, or to make such accommodation decent enough. Certainly, it is a problem that dogged the sale of Quinlan Terry's villas in Regent's Park, one of which had to be remodelled to provide more staff accommodation.

There are no shoeboxes for live-in staff at the Old Rectory, but nicely proportioned rooms with bathrooms and kitchens nearly as well-finished as those in the main rooms.

A third characteristic is the way that TMC's work feels international rather than British and rather parochial. Given that Mr Nemoto first visited London in 1990, and that Mr Champion and Mr Collett are South African, this does not surprise.

Nothing is less British than the detailing in the bathrooms. Both in the Old Rectory and at Mr Nemoto's flat, they are so solid they might be in a grand hotel. The walls tend to be marbled, either in black or cream. The showers have solid duckboarding on the floor. There is plenty of well-designed storage. International too are the classical details. British in origin, but often reworked with a humorous touch or innovation.

All TMC developments have fail-safe

security, air-conditioning, ensuite bathrooms with each bedroom, and somewhere to exercise, be it a gym or a swimming pool. If possible, at the Old Rectory there is a pool lined in black marble. Modern appliances are always concealed, though. A brass door at the Rectory conceals a standard fire alarm. The garden sprinklers are discreetly set in the gravel path in the woodland glade.

There is a niche for work of this standard in the British property market, says Mr Nemoto, "but nobody is developing projects in the way that we are". In part, it is London's appeal to international buyers, he says, who expect this kind of thing, but find there is little on the market. Speedy sales on three out of four of TMC's projects seem to confirm his contention. A modern house adjacent to the Old Rectory sold before it even came on the market, Mr Collett points out.

Four months after its launch, the Old Rectory is, however, not sold. But Mr Nemoto is relaxed. He has no plans to drop the price and says that he is under no financial pressure from his British bankers. He will not, he says, make a huge profit from the project, but he hopes it will have established his reputation for excellence.

He expects that the house will be sold by the new year. "Whoever buys the house will fall in love with it," he adds. "The other three buyers fell in love. That is what we are aiming for, and that is what I think we have achieved."

Low commercial returns mean investors are switching from offices to flats

Living in an office is becoming more than a mere turn of phrase thanks to a trend for turning city-centre offices into flats. Property agents report that there is a glut of office space in London, especially the lower than prime space. For many owners of commercial property, the rent they could get for office use, while there is this glut, would be a bad investment.

David Goldstone is chairman of Regalian, a property company which has become expert at converting office blocks to flats. He says that the return on residential property is roughly twice that on commercial property.

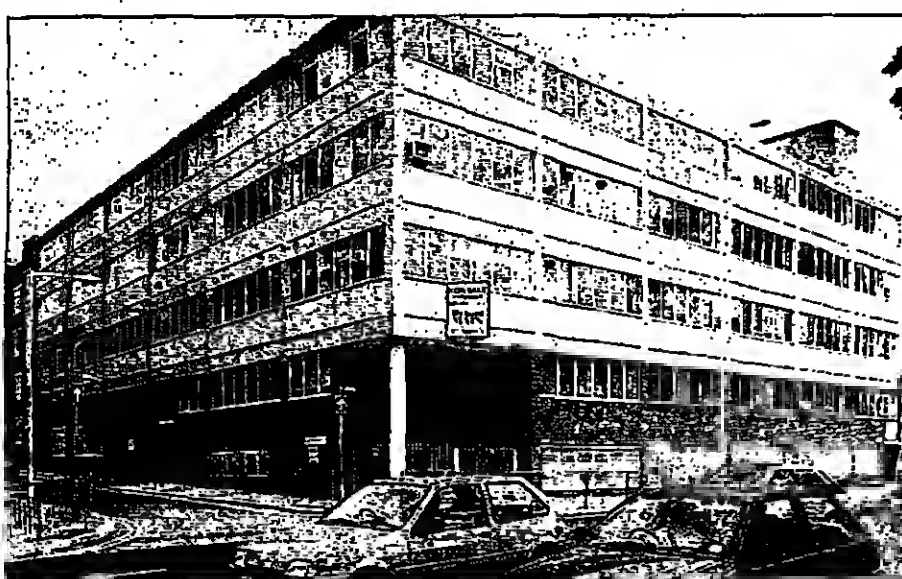
Other developers are also capitalising on the fact that the residential market in London has outstripped its commercial brother. If blocks are carefully chosen for their residential and planning potential, they can be rejuvenated as highly desirable flats, and the removal of VAT from such conversions could give the trend an extra fillip.

Such schemes abound. Barratt has just bought its second modern central London office block, Teziak House at the Barbican, which it hopes to convert to "stylish apartments". It has already started work on its first conversion, Royal Tower Lodge, a faceless modern cube near the Tower of London, might not have had instant appeal but as the picture shows, it will change beyond recognition.

Work started in August on transforming the £1 million 40,000 sq ft building into 41 one and two-bedroom flats selling for between £90,000 and £130,000, the first of which will be released soon.

The change taking place at Alembic House on the Albert Embankment, with its views along the Thames, is well-known if only because of the high profile of the occupant of the top two floors, Jeffrey Archer. The 12 floors below his magnificent perch are being converted and Regalian is renaming the tower Peninsula Heights. The building is being stripped to its shell before being recast and replated. The flats will be marketed at £450,000 for a two-bedroom unit.

Not all buildings are suitable for conversion. Andrew Storey, Regalian's project director, who deals with the technical problems, such as providing plumbing and meeting building regulations,



Before: Royal Tower Lodge, a characterless office block near the Tower of London

When living in the office can be a dream



After: computer-drawn impression of how the apartment block conversion will look

says: "You need a building of the right dimensions and the right fenestration. Flats must have natural daylight, so some deep office buildings do not readily lend themselves. And fire and environmental health regulations can be tricky. Smoke detection is important and kitchen ventilation is essential because we must consider what happens if someone has a chip-pan fire."

Mr Goldstone says that bringing obsolete blocks to residential standard might cost a lot but that office

owners should realise that such blocks could never be brought to the standard required by today's office technology. This is mainly true of offices built before the late 1960s, which lack modern facilities such as air-conditioning and where ceiling heights often do not allow for raised floors to provide necessary computer-cable ducts.

He says: "Owners of office blocks live in hope. They know they are obsolete and they hope someone will take them on, but when it doesn't happen they should try to sell them for residential use."

Good location is important, and is certainly an asset of another just-completed development, Molasses House, which was opened on September 22. It borders the Thames at Plantation Wharf, Battersea, and is within easy reach of Chelsea shops. Savills is selling the 41 flats, which start at £95,000 for a one-bed unit without river views. Molasses House was previously being developed for mixed commercial and residential use, but the project failed. Trv Homes,

which bought it from the receivers, says that making it a residential development restored its potential at a stroke.

Philip Jackson of Chesterton has no doubt the trend is taking off. He has six clients looking for well-located office blocks to convert and says: "We are not the only agency with a number of clients wanting to convert commercial buildings to flats. We have just made a substantial offer on some buildings we think might get residential planning permission. Several other schemes are due for completion in 18 months."

The Manhattan Loft Corporation has taken a successful approach. It has just sold 33 loft-type apartments, which are presented as empty shells with capped-off services at Soho Lofts, Wardour Street. A former office block, it has released the four penthouses early. They cost from £80,000 to £1.1 million. The company is also converting a similar building in central Manchester, where prices are lower.

But Mr Goldstone says that conversions are not always a sure bet. "Refurbishment has major problems because of the unforeseen costs. When you build from new, you know it will cost £X a sq ft but, there is no such certainty with this unless you have vast experience. It's a specialised area."

His view is shared by David Pretty, the chairman of Barratt's southern region. "VAT relief should increase the number of conversions. But many office buildings simply do not lend themselves to effective conversion."

"Too few office buildings are in good locations from a residential point of view. Homes need to be near social amenities which offices don't need. We are very firm on our criteria. Location is the first, then the buildings must be structurally sound and lend themselves to easy sub-division into flats and they must have adequate car parking."

"There is a shortage of residential land in London. But we viewed many office blocks until we found the two we bought and no others were suitable. I see no reason why the concept should not take off in other large cities such as Manchester and Birmingham, so long as they have suitable buildings."

CHRISTINE WEBB

Fantasy for sale

From the outside, there is little to distinguish 36 Thames Street, in Hampton, southwest London, from its terraced neighbours in the high street. But inside lies a Gothic fantasy.

The transformation from terrace house to medieval folly started when Andy Carroll and his wife Janet were redecorating the kitchen of the house, which cost them £39,500 in 1983.

Mr Carroll cannot explain his love of all things Gothic. "I think it is because its luxury and extravagance is such a contrast to so much of the blandness of modern life."

Mr Carroll, 36, a graphic designer, wanted Victorian geometric tiles for the floor. He bought a confession box from a derelict church as an airing cupboard for his bathroom. The panelling around the Carrolls' bath has been converted from Gothic choir stalls and an empty organ case from a south London church has been fitted with mirrors for the area behind the basin.

The lower halves of the arched windows are stained glass, so there is no need for curtains, and the pattern of the tiled walls is based on that of a church floor Mr Carroll photographed in Hereford.

The bathroom is by far the most spectacular room but the Gothic style is spread throughout the house. The walls have been oak-panelled at a cost of £6,000, or covered in William Morris wallpaper. All nylon carpeting has been pulled up and replaced with pitch pine or herringbone-style oak parquet flooring, and a new £7,000 slate roof, with Gothic terracotta ridge tiles and finials, was installed last year.

The previous owner had the two ground-floor rooms knocked into one. The Carrolls have spent £10,000 to have it panelled, and a central painted-brick chimney breast with raised open hearth built in. A semi-spiral staircase leads to the upstairs landing.

As well as a deep, white butter sink with brass period-style taps, the £11,000 refitted kitchen contains one of the most expensive improvements: £1,800 worth of solid granite on all work surfaces.

Mrs Carroll says: "Nobody

Outside, it's a terrace house. Inside, the style is OTT Gothic



An church organ case forms the ornate mirrored area behind the basin

can ever find the fridge or dishwasher when they go into the kitchen. They are concealed by panelling to hide their "hideously modern" look. Stairs from the kitchen lead to the third bedroom, the only untouched room in the

house, which is used by Mr Carroll as a design studio.

Now the house, part of which dates back to 1725 and was a stable, is on the market for £145,000. With three dogs, and an eight-month-old baby, the Carrolls feel they have outgrown the property. Although the house has a £6,000 roof garden, they yearn for more private space.

A similar house without all the Carrolls' improvements would cost about £120,000, David Whyte of Black Horse Agencies says.

This falls short, however, of the £55,000 total cost of the improvements. The addition of central heating and a garage, according to the Halifax building society, are the only property improvements that add as much in value as they cost.

The Carrolls' love of Gothic decor remains. Having failed to find a medieval church, they hope to move into a Gothic lodge in Cobham, Surrey. But first they must find a buyer who is passionate about Gothic decoration and does not mind the lack of garden, and a busy road.

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THE TIMES

BUSINESS EDITOR Lindsay Cook

WEDNESDAY NOVEMBER 16 1994

America raises interest rates by 0.75 per cent

By GEORGE SYVELL AND COLIN NARBROUGH

AMERICA'S Federal Reserve raised interest rates last night by 0.75 of a percentage point, the sixth rise so far this year.

The rise had been widely expected by world markets, but many observers had assumed the central bank would raise interest rates only by half a point after recent signs of weakening in the American economy.

Nevertheless, the dollar and American Treasury bonds leapt

immediately after the announcement that the Federal funds rate, which banks charge each other for money, was to rise to 5.5 per cent and that the discount rate was to go up to 4.75 per cent.

The Fed said after the conclusion of its open market committee meeting: "These measures were taken against the background of evidence of persistent strength in economic activity and high and rising levels of resource utilization."

"In these circumstances, the Federal Reserve views these actions as necessary to keep inflation con-

tained and thereby foster sustainable economic growth."

Following the announcement the dollar leapt to DM1.55, but the Dow Jones industrial average reversed an early lead. Treasury bonds rose by more than half a dollar.

Statistics released earlier yesterday showed that Americans brushed aside concerns about rising interest rates last month. Retail sales data issued yesterday ahead of the monetary policy meeting of the open market committee showed a 1.1 per cent rise last month, the fifth monthly increase in

a row. Industrial output also resumed its climb last month after dropping back in September. October production data, also published yesterday, showed a rise of 0.7 per cent, the 16th monthly gain out of 17 months.

The Fed said that capacity usage in factories, utilities and mines rose to 84.9 per cent last month, the highest for nearly 15 years, when the rate reached 85.1 per cent. Capacity usage fell 0.3 per cent in September to 84.5 per cent.

The US monetary authorities monitor capacity usage and indus-

trial output figures closely for signs of bottlenecks emerging that would boost inflationary pressures.

After an 0.1 per cent dip in industrial production in September, the renewed rise last month came in spite of a 0.5 per cent drop in output from utilities, which reflected unusually warm weather. Mine output was also lower. But consumer goods, excluding cars and utilities, rose 0.4 per cent. Computers and other business equipment was 1 per cent higher.

Demand for cars and trucks provided a strong boost to retail

sales last month. The American Commerce Department revised the September retail sales rise down from 0.6 per cent to 0.5 per cent, but revised upwards the August increase to 1.4 per cent from the 1.1 per cent initially given.

In spite of the vigour evident in the economic data, President Clinton, speaking at the Asia-Pacific economic summit in Jakarta, Indonesia, said that the pressure to raise US interest rates came from currency market volatility and he stressed the importance of keeping the dollar stable.

BUSINESS TODAY

STOCK MARKET INDICES

FT-SE 100	3135.4	(+40.11)
Yield	4.89%	
FT-SE All share	1553.90	(+16.59)
Nikkei	19391.68	(+130.23)
Dow Jones	3947.22	(+17.49)
S&P Composite	467.78	(+1.74)

US RATE

Federal Funds	5 1/4%	(5 1/4%)
Long Bond	8 3/4%	(8 3/4%)
Yield	8.06%	(8.06%)

LONDON MONEY

3-mth Interbank	5 1/4%	(5 1/4%)
Life long gilt	10 1/2%	(10 1/2%)
Future (Dec)	10 1/2%	(10 1/2%)

STERLING

New York	1.5840	(1.5835)
London	1.5839	(1.5833)
DM	2.4478	(2.4493)
FF	8.4095	(8.4190)
Sfr	2.0857	(2.0854)
Yen	155.65	(155.92)
£ Index	80.1	(80.2)

\$\$\$ DOLLAR

London	1.5450	(1.5446)
DM	5.3105	(5.3115)
Sfr	1.3007	(1.3007)
Yen	96.27	(96.32)
£ Index	82.2	(82.2)

TOYO CLOSING YEN 98.17

NORTH SEA OIL

Brent 15-day Jan	\$16.85	(\$16.80)
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GOLD

London close	\$386.56	(\$386.10)
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* denotes midday trading price

Boots buys back £500m of its shares

By SUSAN GILCHRIST AND PATRICIA TEHAN

SG WARBURG, the investment bank, yesterday completed the City's biggest buy-back programme, acquiring shares worth £500 million for cancellation by The Boots Company.

Warburg acquired 96.13 million shares in Boots, 9 per cent of the total, paying between 528p and 535p a share in the market. Boots' shares jumped 12p on the news, to close at 525p. The price has been depressed as the market awaits the disposal of Boots' pharmaceutical business.

Warburg will be paid commission on the transaction, estimated at more than £1 million. Normal sales commission rates for this type of deal are between 0.15 and 0.3 per cent. Boots is also likely to have paid a corporate finance fee. The investment bank's entire UK salesforce was put to work on the deal.

A spokesman said: "We were very pleased to complete the transaction during the course of the

day." About 100 financial institutions sold parts of their shareholdings.

For technical tax reasons, the group bought 4.6 million shares in the market at the higher end of the price range before the repurchase programme. The cost of this is included in the main £500 million package.

Analysts welcomed the move, saying that without the buy-back programme, the group's earnings would have been diluted by the disposal of its pharmaceutical arm.

Boots has been planning a share buy-back programme for several months, but put its plans on hold while negotiating the £850 million sale of the pharmaceutical business. It is negotiating a sale to BASF, the German drugs group.

The company said the repurchase would achieve a more efficient capital structure in the long-term and enhance earnings per share.

The buy-back had already

been authorised by Boots' shareholders at the annual meeting in July. Shareholders authorised the repurchase of up to 10 per cent of shares, but Boots decided on 9 per cent "because £500 million was a rounder number," according to one observer.

Without the share buy-back, Boots would have been left with a cash surplus of more than £1 billion. Some in the City had expected to receive a special one-off dividend.

A Boots spokesman said the group had opted for a share buy-back rather than a special one-off dividend because shareholders would benefit more. "With a special dividend, shareholders paying tax at 40 per cent would be worse off," the spokesman said. "But by buying back shares, albeit from a small group of institutions, we are increasing future earnings because there are fewer shares in circulation. That is obviously to the benefit of all shareholders."

A special dividend would also have been more costly for Boots - about £550 million. Assuming the sale to BASF goes ahead, Boots will still have a large cash surplus, even after buying £500 million of shares. A group spokesman said this would fund future expansion of its remaining operations. Boots has made no secret of its desire to buy over-the-counter drug companies.

The Boots buy-back was the biggest of its kind in what has been a busy year for buy-backs. Nine of the 12 regional electricity distributors have bought back shares. Nigel Hawkins, electricity analyst at Hoare Govett, said: "The distribution companies have an extremely strong cash position, and... believe it is the best way to maximise shareholder value."

Eastern Electricity has bought back shares worth £90 million, while the eight others bought back shares worth a total of £650 million. Midlands Electricity was the biggest buyer, taking back more than £150 million of its shares.

East Midlands has been the only electricity company to award a special dividend, paying out £185.5 million to existing shareholders.

Glaxo is also opted as a buy-back candidate.

Pennington, page 27
Stock market, page 28



Hoedown showdown: Robert Gunlock, chairman, left, and Simon Granger, finance director of the recently floated restaurant group Break for the Border, revealed a rise in pre-tax profits to £259,000 in the half year to September from £140,000. The maiden half-year dividend has been set at 0.33p and the directors are encouraged by current trading.

Smith & Nephew wins US contract

By SARAH BAGNALL

SMITH & Nephew, the healthcare company, has won a \$400 million five-year contract to supply a range of orthopaedic and woundcare products to American Healthcare Systems (AmHS), the biggest buying group in the United States.

AmHS represents 40 healthcare systems and 1,000 healthcare organisations in 47 American states. They have combined annual sales of \$32 billion.

John Robinson, chief executive, said: "This is one of the largest contracts ever awarded. It is very important because American Healthcare Systems is the largest purchasing group for healthcare products." The shares rose 3p to 147 1/2p.

Smith & Nephew was competing against about eight other companies for the contract, which covers the bulk of its product range.

Companies such as AmHS are becoming an increasingly important feature of the rapid

ly changing US market for healthcare products. Mr Robinson said: "We expect to see much more of these deals in the future. Currently about 30 per cent of healthcare product sales are conducted by contracts. I expect that to rise to 80 per cent over the next five years."

Smith & Nephew is in talks with other buying groups in the US and Mr Robinson expects further deals to be struck within the year. The buying groups are said to favour companies that can supply a broad range of products, which is expected to cause some consolidation in the healthcare sector.

Smith & Nephew has an existing contract for orthopaedic products worth about \$35 million a year.

The group reported sales of £949 million in 1993, of which 46 per cent were in North America.

In the first year the new contract should add about 1.5 per cent to group sales.

BT view-by-phone test draws warning

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

BRITAIN'S telephone watchdog yesterday signalled his determination to ensure the development of an open-access information superhighway in Britain after BT announced plans for the world's biggest view-by-phone trial.

Don Cruickshank, head of Ofcom, said that a consultative document next spring would seek to ensure that the spirit of existing licences - which prevent BT broadcasting television by phone - would be maintained. He said that any full service, as distinct from a trial, must be "fully consistent with UK policy" on competitive provision of telecommunications. "I want to ensure that the principles of fair trading contained in licences held by BT and others would apply equally to these proposed new services," he said.

The warning came hours after BT announced plans for a full-scale trial of interactive television involving 2,500 homes and eight schools in

Ipswich and Colchester. During the trial, viewers will be able to access 1,000 hours of films and programmes via their telephone wire, as well as shopping and entertainment services. Because viewers will be able to start and stop programmes at will, the interactive technology developed by BT for use on ordinary telephone lines will circumvent restrictions on its ability to compete with cable TV companies. An early national extension of the trial could force cable TV companies, which have spent hundreds of millions of pounds building duplicate local telephone networks, to offer similar services.

Ofcom welcomed BT's emphasis on interactive services. Mr Cruickshank said: "I am confident that transaction-based services, such as home banking... will, in time, outgrow purely entertainment services."

TV trial, page 29

Foreign firms in UK pay directors less

By JON ASHWORTH

DIRECTORS of UK companies get larger pay increases than their UK-based counterparts in foreign-owned companies according to a survey from Hay Management Consultants. They received base salary increases of 7.4 per cent compared with 5.2 per cent for directors of foreign companies. When bonuses were included, the UK directors received a total cash increase of 11.2 per cent in the year to last July.

But the earnings per share for the same companies showed a median 20 per cent rise, with the top quarter increasing earnings by more than 60 per cent. However, the levels of pay

still lag significantly behind those awarded in America and Europe.

Directors also continue to receive pay increases substantially ahead of those awarded to employees. The base salary rises for directors were also up on last year's 5.4 per cent. UK employees as a whole saw their base salaries rise by 5 per cent.

More than 11,000 directors earning between £50,000 and £500,00 were canvassed in the survey. Richard Bednarek, director of executive remuneration at Hay, said the increased size of total pay packages reflected higher earnings from bonuses. Mr Bednarek said: "The higher bonus earnings this year are indicative of the strength of

the recovery in the UK and are not unexpected at this stage of the economic cycle."

Widespread criticism of the levels of UK company pay has home in on the privatised utilities. Senior directors of Britain's water and electricity companies saw their pay packages leap by as much as 106 per cent in the transition from public to private hands. The oil, insurance and retail sectors are the best paid, awarding salaries of up to 16 per cent above average. Engineering is the worst paid.

The survey found 97 per cent of UK listed companies have at least non-executive directors on the board, in line with the recommendations of the

Cadbury committee on corporate governance. Most of the 227 non-executive directors surveyed were paid between £15,000 - £25,000 for an average of 17 days' work per year. Non-executive chairmen typically earn £68,000 for 70 days' work.

Hay forecasts base salary increases of 6 per cent over the coming year. Its findings coincide with a survey by Ernst & Young, which highlights a trend towards paying expatriate workers local rates in the country where they are based instead of "home country" packages. Almost half of the 427 companies surveyed expect more of their "expat" workers to accept host-country wage contracts.

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St James's hit by volatility

The net asset value of St James's Place Capital, the financial services group run by Lord Rothschild and Sir Mark Weinberg, fell by 2.5 per cent, to 84.1p per share, or £230 million, in its first half, to September 30, hit by volatility in world stock markets.

Pre-tax profits rose from £14.1 million to £16.5 million. Life assurance's profits rose from £700,000 to £3.4 million, and investment management's from £2.8 million to £4.4 million. A 1.5p interim dividend is due on December 29.

Hydro float

Hydro International, a specialist engineer, will be capitalised at £10.5 million after flotation via a placing by Allied Provincial Securities at 80p a share. Hydro had £156,000 pre-tax profits in 1993 on £4.08 million turnover. Dealings are expected on November 30.

Engineer wins

A & B Air Systems, a four-employee engineering firm set up with a £3,000 family loan, has won the Parcel-force Small Business Award. It has trebled turnover since its formation, in Wrexham, Clwyd, two years ago.

RAP placing

RAP Group, distributor of rubber and plastic products, will be capitalised at £17 million after a flotation placing by Williams de Broe.

Powerful 27% payout from PowerGen

By ROSS TIEMAN, INDUSTRIAL CORRESPONDENT

THE biggest surge in power demand for a decade helped PowerGen to lift profits by 9 per cent to £118 million during the first half.

Consumption of electricity in England and Wales rose 3 per cent year on year, PowerGen said, mainly because of increased use by manufacturers stepping up output. Together with delays in commissioning new plant built by independent generators, that slowed the decline in PowerGen's market share.

Britain's second-biggest private sector group has been obliged by the regulator, Professor Stephen Littlechild, to stand aside while newcomers elbow their way into the market.

Its market share has slipped to 24.5 per cent from more than 26 per cent a year ago. National Power, its big sister, is estimated to have seen its share shrink from 33.5 per cent to 31.5 per cent.

The winners have been Nuclear Electric, the state-owned atomic producer, up from 24.9 per cent to 25.2; imports from Scotland and France, up from 8.3 per cent to almost 9.3 per cent; and independent generators, who lifted their share from 6.6 per cent to 9 per cent.

The profit improvement at PowerGen flies in the face of a 10.2 per cent slump in sales, to £1.14 billion. Margins contin-

ue to benefit from efficiency gains, although restructuring is nearly over and employee numbers fell by only 200, to 4,185, in the half to October 2.

However, the level of capital investment has also fallen from £400 million a year to little more than £100 million as the company's programme of replacing older coal-fired plants with gas nears completion.

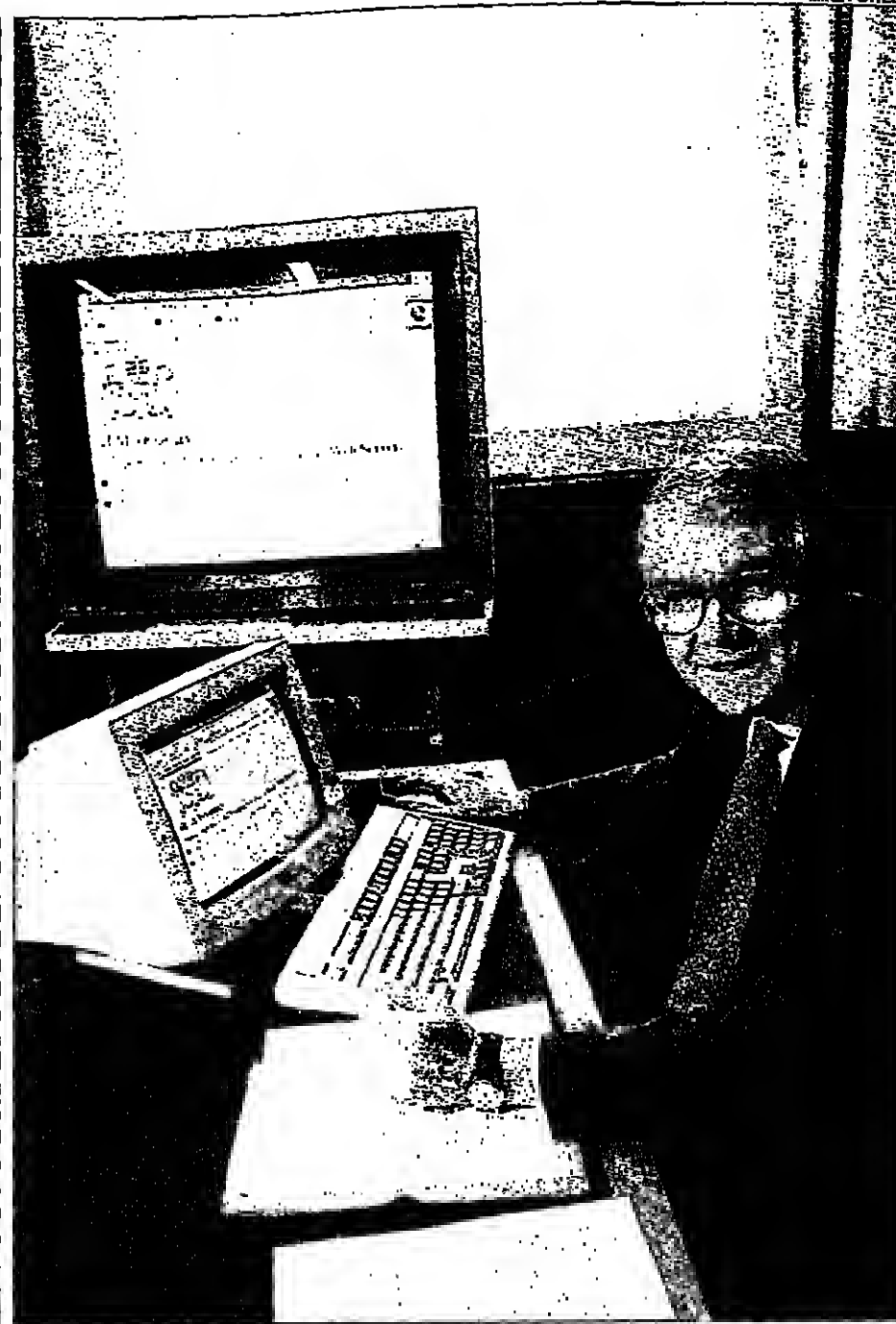
Shareholders are being rewarded through a re-balancing of the dividend payments, which had become heavily weighted towards the second half. The board is recommending a 27 per cent rise in the interim dividend, to 5p, payable on December 20.

Preparations remain on course for the sale of the Government's remaining 40 per cent stake in PowerGen and National Power through a public offer in February.

With gearing at just 18 per cent and regulatory pressure to cut United Kingdom market share, PowerGen is looking elsewhere for growth. In Britain, Kinetica, the natural gas joint venture with Conoco, is going well.

Outline agreement has also been reached to join consortiums building electricity plants in Germany, Portugal, Hungary, India (two) and Indonesia.

Tempus, page 28



The Treasury, of which Sir Terry Burns is Permanent Secretary, is on the superhighway

Electronic age dawns at the Treasury

By MICHAEL DYNES, WHITEHALL CORRESPONDENT

THE Treasury joined the information superhighway yesterday amid fears that officials will be inundated with electronic junk mail from around the globe.

The new service, which is available through the Internet, will give anyone with a computer and a modem access to a wide range of Treasury publications, press releases, and archive material.

Electronic requests for technical information on how to access the service will be answered. However, comments and criticisms of the Government's economic policies will be ignored, one Whitehall source said.

"If you are trying to point out to the Chancellor the error of his ways, you will not get a reply," he added. After the Whitehouse joined the Internet in June last year, a large number of staff had to be appointed to answer the President's electronic mail.

Treasury officials insist that the system is completely secure, and that computer hackers "will not be able to obtain unauthorised access to the Treasury's files".

Sir Terry Burns, the Treasury Permanent Secretary, said Treasury watchers will be able to obtain ministers' speeches, minutes of the Chancellor's monthly meetings with the Governor of the Bank of England and reports of the Panel of Independent Forecasters, as well as the Budget statement.

The Treasury Internet Service is connected to the Internet through PIPEX, which can be contacted on +44 (0) 223 250120. Technical inquiries from John Walling on +44 (0) 171 270 5347.

Unit trusts

Technical problems at our supplier of unit trust and share price statistics prevented publication of these in early editions yesterday. We apologise for the omission.

Gloomy predictions delay BrightReasons flotation

By PHILIP PANGALOS

MICHAEL Guthrie's return to the stock market has been put on hold. BrightReasons Group, his branded restaurant company, which operates Pizzaland, Bella Pasta and Pizzeria outlets, has postponed flotation plans until next year.

The group said in September that it intended to float in the autumn and was expected to be capitalised at between £60 million and £80 million. However, the company undertook its pre-marketing and found that the price it could

BUSINESS ROUNDUP

Financial advisers' jobs 'under threat'

MORE than 1,000 independent financial advisers (IFAs) could be forced out of business as a result of the continuing uncertainty over the costs involved in compensating investors who were misled by personal pensions. The warning came in a letter from Garry Heath, chief executive of the IFA Association, to Colette Bowe, chief executive of the Personal Investment Authority, the regulator charged with overseeing compensation arrangements.

Mr Heath said: "The current recipe of regulatory imposition, continuing uncertainty over compensation and the potentially unmanageable costs of pension transfer cases is destined to put IFAs out of business." Mr Heath called on the PIA to announce, without delay, how the pension compensation payments will be split between IFAs and the life companies. The pensions industry faces a bill of up to £2 billion for mis-selling personal pensions. The PIA is talking to various trade bodies about the guidance given by the SIB and expects to issue its own guidance by the end of the year.

Ushers to seek listing

USHERS, the regional brewer, is to seek a stock market listing via a placing and offer through NatWest Markets. The price of its shares will be announced on December 1 with first dealings on December 15. The company is expected to be capitalised at about £100 million. Ushers is the largest independent brewer in southwest England, serving 466 tied pubs from its base in Trowbridge, Wiltshire. It was owned by Courage until a £76 million management buy-in in 1991. Yesterday, Ushers reported £10.44 million pre-tax profit for the year to October 31 (£7.8 million).

Sedgwick advances

SEDGWICK, one of the two largest insurance brokers in the UK, lifted pre-tax profits 19 per cent to £78.7 million in the nine months to September 30, despite a 20 per cent leap in expenses to £608.5 million (£507.2 million), mostly due to acquisitions. Including acquisitions, brokerage and fees rose 20 per cent from £551.2 million to £663.3 million. Interest and investment income dropped from £33.2 million to £30.9 million. Earnings per share rose from 8.8p to 9.1p. Sir Riley, chief executive, said the impact of the SIB report on pension transfer was not expected to have any material effect on group profit.

Yorkshire back in black

YORKSHIRE-TYNE TEES has returned to the black in the first half and, while there is no interim dividend, it hinted that it would resume payments in the current year. The group made pre-tax profits of £4.7 million in the six months to September 30, giving a 12-month profit of £111,000 after last year's £7.9 million loss. The loss, caused by mismanagement of advertising air sales, led to the departure of Clive Leach from the post of chairman. Ward Thomas, his successor, said the group's share of ITV advertising revenue was now just over 10 per cent, compared with 11.2 per cent two years ago.

Volvo speeds to £1.1bn

VOLVO, the Swedish car and truckmaker whose shareholders last year forced it to drop a merger with Renault, has reported the biggest profit ever for a company in Sweden. Pre-tax profits in the first nine months this year grew 12-fold to 12.71 billion kronor (£1.1 billion) on a 30 per cent rise in sales to Kr112 billion. Trucks showed the strongest performance and boosted their share of the European heavy truck market to 15.5 per cent (12 per cent). Group operating profits jumped almost 15-fold. Volvo is selling an 8 per cent stake in Renault and regaining control of Volvo Truck.

MMC power inquiry

OFFER, the electricity regulator, has begun an inquiry into Scottish Monopolies and Mergers Commission (MMC) report came after the Hydro-Electric's price controls. The regulator set in September, group refused to accept Offer's price limits. Mr Stephen Littlechild, director-general of Offer, price controls MMC to investigate distribution and suppliers' revenue and the hydro-benefit provision, which is in dispute. The from generation to distribution and transport. Scottish report must be completed within six months. Hydro-Electric is happy with the terms of the offer.

CE Heath holds payout

CE HEATH, the insurance broker, is holding its interim dividend at 5p in spite of a slump in profits, from £11.6 million to £6.4 million, in the half year to September 30, red flag had been expected by the City and analysts were cheery. The shares rose 13p, to 23p. The dividend, due on January 5, is from earnings per share of 5.9p, down from 10.9p. The fall in pre-tax profits was partly due to a £4.8 million fall in the contribution of HIH, the Australian underwriter in which Heath cut its holding from 46 per cent to 23 per cent.

Great Portland boost

PROFITS at Great Portland Estates, the property group, rose by just over a third to £21.4 million in the six months to September 30, and shareholders are to receive a 7 per cent rise in the interim dividend to 2.9p. Richard Peskin, chairman, forecasts earnings to be broadly similar in the second half and is hoping to pay a 5.85p final, making 8.75p, a 9 per cent increase on the previous year. Great Portland spent £105 million acquiring property in the first half and gross rents were up almost £5 million to £45.7 million.

Trade blow for EC

THE European Court of Justice has struck a legal blow to EC attempts to secure wider negotiating powers in the planned World Trade Organisation (WTO). The ruling yesterday, expected to clear the way for the European Union (EU) to ratify the Uruguay Round treaty on world trade, rejected the view that Brussels should also have sole responsibility for bargaining in areas other than goods. The decision confirmed the right of EU states to take part in talks on services and intellectual property, areas to be policed by the WTO.



General Accident CONTINUED EARNINGS GROWTH

9-MONTHS' RESULTS

	9 Months to 30.9.94 Estimated £m	9 Months to 30.9.93 Estimated £m
General Premiums	3,185.4	3,142.4
Life Premiums	653.6	607.0
Net Investment Income	338.1	352.8
Underwriting Result	(46.4)	(171.6)
Profit before Taxation	321.6	206.5
Profit attributable to Ordinary Shareholders	235.4	160.8
Earnings per Ordinary Share	52.1p	35.7p

- Pre-tax profit for the nine months of £321.6m follows a profit in the third quarter of £119.2m
- UK underwriting profit of £158.1m (1993: £27.7m)
- Improved performance in the United States
- Results in Canada reflect the impact of storm losses in the first quarter and additional reserve strengthening
- Good performance in the Pacific, with excellent results from New Zealand and Asia
- Strong improvement continues in Europe
- Further progress in Life operations with very encouraging new business production in the UK

Nelson Robertson, Group Chief Executive, commented:

"We achieved a further substantial improvement in our worldwide underwriting result in the third quarter and remain confident that an acceptable underwriting performance will be maintained."

General Accident plc

General Accident plc, World Headquarters: Pitheavlis, Perth, Scotland PH2 0NH

FOREIGN EXCHANGE

	Bank Buy	Bank Sell
Australia \$	2.22	2.05
Austria Sch	18.22	18.72
Belgium F	36.33	40.16
Canada C	2.284	2.104
Cyprus Cyp	0.789	0.793
Denmark Kr	16.17	8.57
Finland Mk	6.05	7.32
France F	6.21	6.21
Germany G	2.63	2.39
Greece Dr	336.00	273.00
Hong Kong \$	12.21	11.91
Ireland P	1.47	1.47
Italy Lit	2016.00	0.66
Japan Yen	170.00	154.00
Norway Kr	0.816	0.853
Netherlands G	2.281	2.09
Portugal Esc	11.29	10.49
Spain Ptas	201.00	242.50
Sweden Kr	211.00	197.20
Switzerland F	2.12	1.95
Taiwan N	1.25	1.25
USA \$	1.65	1.55

Prices for small denomination bank notes only as supplied by Barclays Bank PLC. Current rates apply to travellers' cheques. Rates as at close of trading yesterday.

□ £500 million buyback makes sense of drugs deal □ Challenge for the Chancellor □ MacLaurin regains control

Booting the critics

FOR a company often thought clumsy, Boots looked pretty smart yesterday. Its £300 million raid on its own shares, as advised by Tempus yesterday, answers immediate City scepticism over the sale of its pharmaceutical business. This centred on what it could do with the money to make good an immediate loss of earnings of up to 6.5 per cent. Yet Boots insists that buying in nearly a tenth of its share capital was a quite separate exercise, designed to start making its capital structure more tax efficient. By doing so, it can deflect the alternative criticism that it was downsizing *faute de mieux*, selling pharmaceuticals without having anything better to invest in.

The net result of the two exercises is that earnings per share may immediately fall by only one or two per cent, while future, long-term growth from Boots the Chemist will come through more strongly to the bottom line. That is partly because Warburg earned its munificent payday by buying back the Boots shares quickly and efficiently.

Having announced the intention, Warburg built a book and did the £500 million deed in about two hours. Fortunately, in this context, there were plenty of institutions with capital losses on Boots shares. So Warburg did

not need to rely on pension funds that might hope to claim back tax on what is classed as a distribution. Result: the book was heavily oversubscribed and the price could be scaled back to 528p, less than 3 per cent above the overnight price before the buyback announcement. In this instance, private shareholders should not feel they were treated as second-class citizens. They should end up better off than under a cash distribution.

Boots the Chemist is a strong cash generator. In this case, therefore, the aim of having a little debt in the balance sheet looks a sensible way to cut the average cost of capital. But that will not happen unless the group expands quite strongly elsewhere. If the sale to BASF goes through, Boots will still have more than £500 million of cash.

The main Boots retail chain can expand from its own cash flow. Some of the extra money may be used to buy more property sites as reversionaries fall due. But that leaves plenty of scope to expand elsewhere. The favourites are the own-label manufacturing and over-the-

counter medicines businesses, and the motor-related Halfords chain, now a bright spot.

Boots reckons there is plenty of room to expand own-label manufacturing of anything from aspirin to cosmetics for third-party customers. That looks right both in Britain, where supermarkets see this as one of their best potential sectors, and on the Continent. Acquisitions of over-the-counter treatments will need to be gradual if they are not to prove expensive. Certainly, Boots' management will be well aware that, after Ward White, it is not trusted to make another leap of diversification.

Put an end to top-pay bore

ANOTHER day, another embarrassment over boardroom pay. On Monday night, the Prime Minister strayed from his brief to tell the Lord Mayor's banquet that the public was fed up with "large and often unjustified pay rises". Yesterday, yet another survey provided the evidence and predicted it would



continue. The survey by Hay Management Consultants, better focused on the offending group than most, found that the total pay package of main board directors grew by an average 11.2 per cent in the year to July. Even allowing for success bonuses geared to recovery, base salaries rose by an average 7.4 per cent, well ahead of the average employee. Hay forecasts a further 6 per cent rise in salaries in the coming year, which would have Eddie George chewing the carpet if translated to the workforce.

The Hay figures chime with an endless litany from other surveys. The Prime Minister's warning was so predictable that it attracted little notice. Last week, similar exhortations for

boardroom restraint, for top managers to set a good example, echoed round the CBI's annual conference in Birmingham — though not many came from the floor. Yet nothing happens. Directors are human beings. They have the power to set their own, or at least each other's, pay. So naturally they abuse it.

The endless surveys, the endless warnings and the endless sniping from those not allowed on the gravy train have become equally tedious. Either we should come to accept that it is somehow good for the economy for directors to feather their own nests or politicians should do something about it.

Kenneth Clarke has the ideal opportunity in his Budget. Indeed, he could use the opportunity to kill two birds with one stone. If the Chancellor imposed a new 50 per cent top rate of income tax, say on earnings above £100,000 a year, his merciless persecution would please many middle-income voters. The proceeds might also pay for modest tax cuts further down the range, say by extending the 30 per cent income tax band further,

a prime medium-term objective. If he is not going to act, it would be more politically astute for ministers to shut up about boardroom pay and stop simply handing votes to Labour.

Chain reaction boosts Tesco

IT WOULD appear that City analysts and fund managers are responding positively to a few behind-the-scenes vibes emanating from Tesco, witness the recent strength of the share price.

Last summer's £247 million acquisition of William Low, the Dundee supermarket chain, has been well received. The capture of Low's 57 outlets was seen as Tesco's gain and Sainsbury's loss. Tesco's purchasing muscle has inevitably been brought to bear. The more subtle juggling act of retaining Low's Scottish flavour has brought applause.

The 8 per cent rise in Tesco's mid-year pre-tax profits to £250.2 million on the back of an 11.8 per cent increase in turnover to £4.47 billion were at the top of City forecasts — the headline feature

being a 3.9 per cent rise in like-for-like sales. Operating margins shaded from 6.1 per cent to 6 per cent, serving to underline chairman Sir Ian MacLaurin's argument that last year's margin decline reflected a "step change", rather than a "downward spiral".

UBS, which happens to be Tesco's stockbroker, predicts £585 million pre-tax, up from £528.4 million, for the year to end-March with £655 million for 1995-96. Last month's "buy" recommendation from UBS, when the shares stood at 233p, looked perspicacious by yesterday as a 5p gain took the price to 251p, virtually the year's peak. That is 13 times projected 1994-95 earnings of 19.3p per share, falling to 11.9 for 1995-96.

The perception is that MacLaurin has successfully refocused Tesco's pricing, range, format, service and marketing: witness the new association with Richard Branson's Virgin cola. As UBS's Andrew Fowler puts it: "To think that Tesco are doing things that their competitors cannot do would be unrealistic but they do appear to be ahead of the game." MacLaurin's softly, softly approach to overseas expansion is also going down well. There are no indications of a multi-billion pound foray into the US. Music to the ears of risk averse fund managers.

BOC hit by patent loss on Forane

By PHILIP PANGALOS

FULL-YEAR profits at BOC Group were deflated by one-off restructuring costs and generic competition for its Forane anaesthetic, though the industrial gases and healthcare group is relatively optimistic on prospects.

BOC's operating profits before one-off items rose 5 per cent to £455.4 million in the year to September 30, as the fourth quarter enjoyed a 21 per cent year-on-year improvement. But restructuring costs of £85 million and £16.6 million of disposal losses saw pre-tax profits fall to £253.1 million (£337.6 million), on turnover up 8 per cent to £3.48 billion.

Pat Dyer, BOC chief executive, said: "All parts of the group except our pharmaceutical business achieved an improved trading performance, although the trading conditions faced by our businesses were markedly different."

Profits from industrial gases and related products saw steady recovery, expanding 9 per cent to £331.9 million (£304.6 million), on sales

ahead 8 per cent to £2.58 billion, as economic conditions improved in most main markets and the benefits of restructuring came through. Margins improved to 13.9 per cent (12.5 per cent), having touched a high of 14 per cent in the second quarter.

BOC's three-year restructuring produced cost savings of £20 million this year. Mr Dyer said the total annual saving is expected to rise to nearer £60 million within a couple of years.

But healthcare profits fell to £54.6 million (£86.2 million) as the medical division was hit by full effects of the loss of patent protection for Forane, the anaesthetic that lost its US patent this year and saw generic rivals capture much of its market share. Suprane, Forane's more expensive replacement which enjoys a smaller profit margin as it is also expensive to produce, is "doing well" and is gradually gaining market share, with about 35 per cent by value at the moment. The remaining 65 per cent share of the market is split between BOC's Forane and a product from Abbott of the US.

The shortfall was partly offset by a sharply improved performance from the medical products division, while profits from vacuum technology and distribution services advanced by over 50 per cent to £51 million, on turnover up 20 per cent to £435 million.

EPS after exceptional fell to 23.82p (42.97p), though the full dividend for 1994-95 rises 7 per cent to 24.8p (23.2p). The shares added 10p to 720p.



Dyer: "improved trading"

Tempus, page 28

Exceptional factors lift De La Rue

By OUR CITY STAFF

DE LA RUE, the banknote printer and member of the Camelot consortium running the National Lottery, beat City expectations with a 29 per cent rise in interim profits.

Profits before tax and exceptional items rose from £66.1 million to £72.5 million in the half year to September 30. The shares jumped 31p, to £10.34, a high for the year.

The dividend, due on January 27, rises by 1p, to 7p, from earnings per share of 27.8p. Jeremy Marshall, chief executive, said that the 32 per cent rise in earnings per share would not be repeated in the second half because the first half had benefited from "atypical factors", including significant improvement in results of associated companies and a cut in the group tax rate.

However, the group expects second-half earnings to be at least as high as in the comparable period last year. Ongoing security printing activities lifted profits by £6.3 million, to £31.2 million, on sales up by £40.3 million, at £130.2 million.

Tempus, page 28

Rise at GA fails to please City

By SARAH BAGNALL

GENERAL Accident, the composite insurer, failed to please the City yesterday in spite of a leap in pre-tax profits, from £206.5 million to a record £321.6 million, in the nine months to September 30.

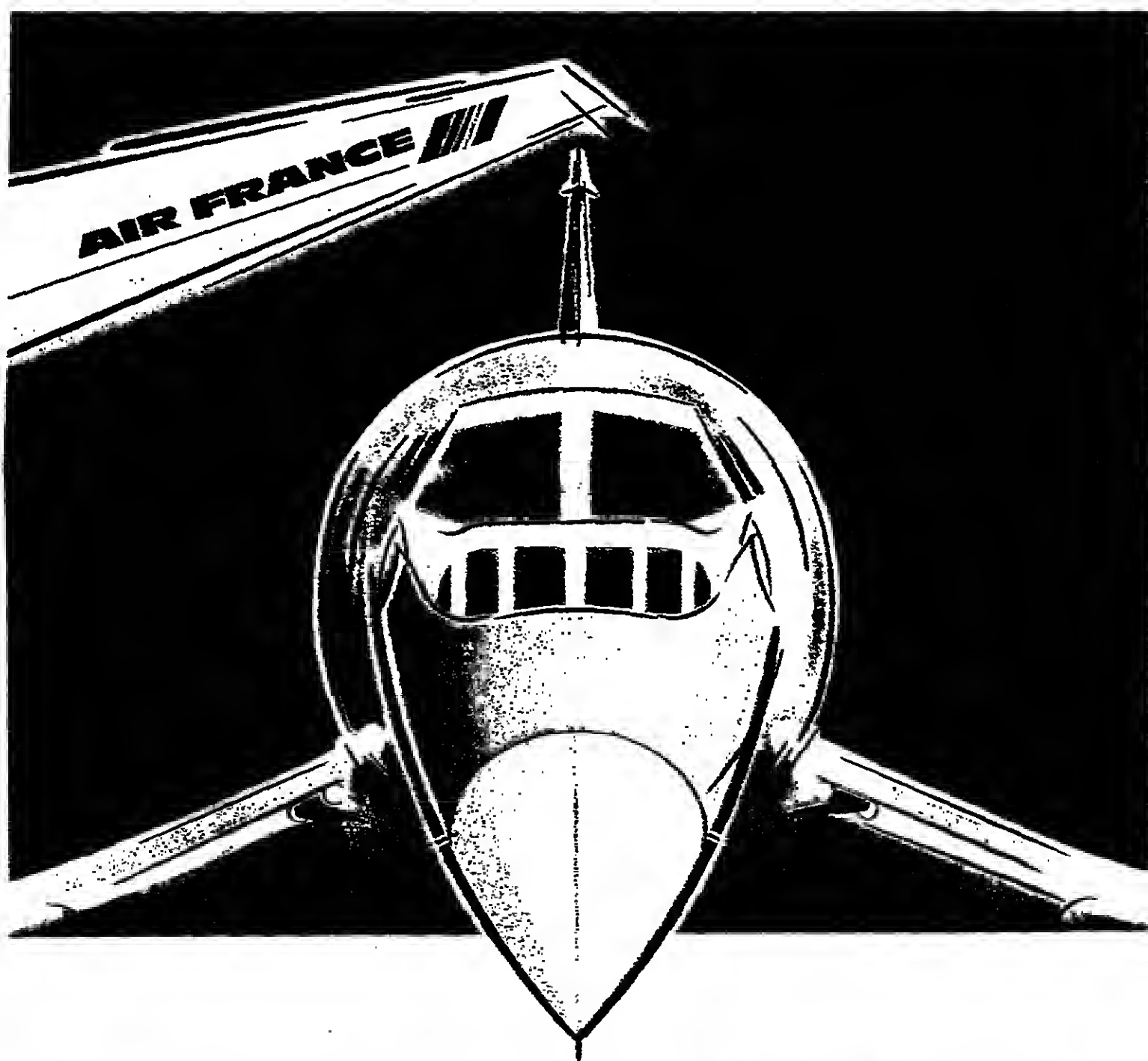
The rise in profits was accompanied by a further fall in the solvency margin, from 65 per cent at the end of 1993 to 51 per cent on November 11. The shares fell 19p to 565p.

Profits were helped by a strong underwriting performance in the United Kingdom and the Pacific region, coupled with reduced losses in the rest of Europe and in the United States.

The group managed to reduce worldwide underwriting losses, from £171.6 million to £46.4 million, an improvement that was fuelled by an increase in UK underwriting profits, from £27.7 million to £158.1 million.

Life profits rose from £30.9 million to £37 million, while investment income fell by £17.9 million to £348 million. Estate agency losses grew by £1.5 million to £7.1 million.

Tempus, page 28



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Vive la difference!

Japanese urged to use their cash for the common good

Tax reform and government bonds are to tackle Tokyo's recession, says Joanna Pitman



A two-pronged strategy aims to get Japan's economy moving again

Another special spending package designed to lift the Japanese economy out of recession is not, at first glance, the kind of thing to set the *gaikin* pulse racing. As distraction items go, it looks suspiciously like the modern equivalent of the old newspaper headline about a small earthquake in Chile.

Japan's recession has been serious now for four years. A series of "unprecedented", "special", "emergency" or "urgent" economic rescue packages worth a total of more than ¥30 trillion (£192 billion) have been announced, discussed, implemented and analysed over those years with barely a blip in GDP growth to show for it.

Last month, we learnt of yet another one, announced amid an uncommon flurry of steady resolve from Japan's vociferous coalition government. This one is vast in scale — worth well over £4 trillion in terms of total impact — and is, yet again, designed to lift the Japanese economy out of recession.

This time, it is described as an expansionary fiscal policy with implementation expected next spring. Bernard Siman, an analyst with UBS Securities, believes that the package's impact will be significant. "The new policy should bring large sums of cash liquidity into circulation," he said. "The banking system will be reinvigorated and so there will be more money available to lend to companies for their capital expenditure requirements. The Japanese economy, unlike those of other developed countries, is capital expenditure-led rather than consumption-led, and the anticipated corporate spending will give it a real chance to recover."

The policy will be two-pronged. Firstly, the government plans to raise ¥630 trillion (£3.9 trillion) from flotation of new municipal construction bonds, which will be spent on public works over the next ten years, starting in fiscal 1995. Given the large scale of expenditure, the government has decided not to fund it from the general accounts budget, but rather to pay for it through government debt, its equivalent of the PSBR.

A big expansion of Japan's infrastructure capacity is deemed necessary now to avoid an expected overload of the existing antiquated one. This is important because when the economy eventually struggles back towards something resembling fighting form and infrastructure burdens increase accordingly, it must be capable of absorbing new pressures. If it is not ready, costs will be forced up, exerting inflationary pressures to raise interest rates, and then any economic growth already achieved will be likely to be choked out of existence.

The second part of the policy will also be funded from government debt. This will consist of a package amounting to the abolition of land-holding tax and a reduction in capital gains taxes. The proposed property tax reform appears to be designed to trigger a big liquidation of property-related assets currently held with enormous hidden gains by Japanese corporations.

All over Japan, companies of all types, from chocolate manufacturers to pharmaceutical companies to carmakers, have been sitting on property-related assets, unable to realise their hidden gains because of the burdensome tax implications of selling. According to the current system, a company selling a property and making a gain of, for example, ¥1 billion would have to pay ¥800 million in capital gains and other corporate taxes. Naturally, this has provided a strong disincentive, but, once reforms are

implemented, companies will be able to restructure their balance sheets by selling their land holdings and begin to reduce their bank debts. With the reduction in interest payments, recovery will be made considerably easier.

"The issue of reforming property taxes in this way has become a national priority, not just an issue that affects the real estate sector," Mr Siman said. "The potential for companies to realise their hidden gains without an excessive tax burden will have huge repercussions in the banking sector and thereafter in the broader economy. The consequent impact on the stock market will be extremely positive."

Both prongs of the new policy are distinctly expansionary. Given Japan's current position on its economic cycle, at the bottom of a U-shaped pattern and on the verge of upturn, this latest policy initiative is believed to be one of the few examples in economic history

of a counter-cyclical policy measure being introduced at the same time that the cycle itself is just beginning to recover. The bond market, however, is not likely to take kindly to the new policy. With the sudden surge in the supply of bonds, long-term rates will rise, yields will go up and, as a result, bond prices are likely to collapse. However, as is often the case, Japan's exemplary savings patterns will probably come to the rescue.

The thrifty Japanese have an estimated ¥180 trillion stashed away in individual savings in the postal system alone. This represents 30 per cent of the country's GNP and there are believed to be further pools of excess savings hidden away in banks and elsewhere. If some of these resources can be extracted and ploughed into buying government bonds and construction bonds through special funding vehicles, the negative impact on the bond market will be rendered negligible. Consumption levels will also improve.

Given that this all sounds like a rather neat way of kicking Japan's moribund economy back into action, one has to wonder why it has not been tried earlier. The answer is, of course, that power is a slippery thing in Japan. Specifically there has been something of a political power vacuum for the past 18 months since the Liberal Democratic Party was ousted from government in August 1993 for the first time in almost 40 years.

Subsequent multiple realignments of political parties into coalitions and out of them again, has effectively prevented the formation of any coherent policy. Also the growth of a sense of crisis has been required to push through this new policy initiative.

The Ministry of Finance, in a rare display of its sense of crisis, announced last week that it is prepared to increase by 30 per cent the number of subsidised mortgages it offers through the government-run Housing Loan Corporation. These mortgages are designed to help first-time buyers, and although this will have a small impact on the market, it illustrates the urgency felt by the ministry and the fact that it is prepared to spend government funds as part of the new expansionary policy.

In terms of the timing of its expected impact, implementation in the spring will be swiftly followed by a set of year-end results that are expected to be far from celebratory. The stock market will be sidetracked with nerves over corporate results and will take some time to digest, and reflect in stronger prices, the probable impact of the reforms.

Followers of Japan's 1980s bubble, which burst in 1990 and remains well and truly deflated, can be expected to begin predicting a future mini-bubble to accompany the initial stages of recovery. Such a mini-bubble would seem to be inevitable. However, there will be plenty of checks and balances to prevent disaster. Investor confidence will still be fragile. More significantly, the financial authorities will have their bubble police on the job, ensuring that the economy does not repeat its catastrophic runaway performance of the late 1980s. The new Bank of Japan governor, when he takes over in December, will no doubt be ready with a sharpened pin.

THE TIMES

CITY DIARY

Tunnel chief wins his bet

SIR Alastair Morton, the embattled Eurotunnel chairman, who must often have wondered if the gods would ever smile on him again, is on a winning streak. The Channel Tunnel is open, and on Monday the first passenger train made it to Paris. He therefore wins a bet made with his old chum John Collier, chairman of Nuclear Electric. Two years ago, Collier bet Sir Alastair that Nuclear Electric would produce commercial electricity from Sizewell B power station before a fare-paying passenger went through the Tunnel. The wager was a new £50 note, a case of champagne, and a donation to a charity of the winner's choosing. Collier, conceding victory to Sir Alastair, yesterday handed over the goodies and a £500 cheque to The Children's Society. "Until very recently, neither of us would have liked to predict who would emerge the victor," Collier had been very confident of his chances and had clearly expected a walkover. "Nuclear Electric's timetable remains on time — end-February, next year, and on budget," the vanquished added.



Sir Alastair: timely win

Lending an ear

BANKERS are today waiting in eager anticipation for the Queen's Speech, having questioned delegates to each of the three political parties at their autumn conferences on current banking practices. Such was the response that the British Bankers' Association is still number-crunching the results. Party delegates were asked if basic banking services do not need the same level of regulation as investment products; if banks should improve services by introducing new technology — even if this means cutting staff or closing branches — and should they take account of whether business customers meet environmental standards.

Off the wall

THE boardroom of Harbours bank is up for sale. The superb quality Cuban mahogany boardroom panelling was fitted by Troilope & Co. and no expense was spared. The boardroom was removed from the bank about seven years ago from 41 Bishopsgate when it was relocated to 41 Tower Hill. Now the boardroom is the star feature on the stand of Architectural Heritage at Olympia's Fine Art and Antiques Fair, which opens today. It runs for approximately 60 feet and includes a magnificent carved mahogany bookcase with carved heading and cornice. However, the bankers could not read during meetings. The books are false, comprising leather and gilt spines only, authentically mounted to form a secret cupboard behind. The asking price is £70,000, plus VAT.

SEEN on a Bristol street, just hours after lottery tickets went on sale. A young man begging with this sign round his neck. Valid lottery tickets acceptable.

COLIN CAMPBELL

Patricia Tehan reports on an interactive experiment

NatWest trials television banking

It may not rival Eastenders or Coronation Street, but National Westminster Bank is hoping for big audience figures from its new television banking service.

NatWest is one of a group of partners taking part in British Telecom's interactive television trial, which is due to start in Colchester and Ipswich in the third quarter of next year. BT hopes 2,500 households will take part, using their television sets to shop, buy holidays, see videos on demand and keep up to date on local information, as well as to organise their bank accounts.

Other partners in the trial include Thomas Cook, selling holidays and travel. Sears, selling fashion and sporting goods, and WH Smith, for books, CDs and videos. Safeway will be offering a grocery service.

A growing number of bank customers are getting used to doing their banking business by phone. Midland's First Direct subsidiary has been the most successful — it has 450,000 customers and is adding them at the rate of 10,000 a year.

The NatWest trial will take telephone banking one step further — customers will actually be able to see their account balances on the television screen and transfer money between accounts 24 hours a day, seven days a week.

Three months into the trial NatWest is planning to widen its service to customers and non-customers alike, providing information on other services like insurance products and mortgages. The bank hopes that 500 to 750 customers will take part in the six month trial.

Bank of Scotland was the first bank to provide electron-



Screen test: British Telecom's trial will include travel, shopping and banking services

ic banking when, in 1985, it launched its Hobs home banking system. Customers plugged a telephone line into their televisions to see their accounts on screen, and transferred money between accounts and ordered statements by pushing buttons on their telephone in response to commands on the screen.

Hobs has now moved on to terminals with their own keypads, and more recently it launched its "screenphone" which displays account details on a miniature pop-up television screen.

Stephen de Looze, NatWest's senior executive for

information highway, said the NatWest interactive television trial will take that sort of service even further. Unlike Hobs, which is now on a small screen, NatWest will be using all the latest colour, video and animation techniques. Mr de Looze said: "The visual images will be much clearer."

NatWest will run a helpline so that if customers get stuck, they will have someone to turn to. Mr de Looze said the bank had not yet decided how the screen will work — it plans to discuss its ideas with

customers first. The look and feel of the service is still being discussed, he said.

The bank expects a "mix of multi-media", he said. By this he means lots of colour, some still pictures and some moving images. There may be a talking head on the screen, which could be a cartoon or a video of a real person.

Mr de Looze said the television bank will not replace high street branches. "There will always be a role for our branch network. There are some customers who will almost certainly feel unwilling or unable to do their banking via the tele-

vision," he added. However, he claimed: "We have seen an increased trend towards convenience and accessibility. People want to bank at a time and place convenient to them."

The bank needs to retain flexibility "so that we can deliver service to our customers through which ever channel suits them," he said. Customers can carry on using their telephones while using the interactive banking and shopping services.

Eventually, Mr de Looze said, NatWest may be able to sell products such as insurance using interactive television. The bank is running a trial of selling insurance using an interactive video in ten branches around the country, enabling customers to see staff in its NatWest Insurance Services office in Bristol on one half of the screen, while at the same time filling in insurance application forms on the other half.

NatWest said a million of its personal customers use its telephone banking service which uses a tone pad to key in instructions.

Customers will not need a special telephone, though BT will be providing a "set top box", the size of a video recorder, an infra-red controller and a box to adapt the phone socket. In the trial these will be provided free of charge, though in the future customers are likely to be charged for them.

The other banks have already recognised the need to keep up. BT is working with Bank of Scotland, Barclays Bank, First Direct, Norwich Union's Hill House Hammond Direct, and Nationwide Building Society to develop their own television-based financial services.



ANTHONY HARRIS

A world without inflation?

The sight of a man, or even a whole team, trying to make a City audience think long term is not a pretty one. It does some credit to the City that a huge audience turned up to hear Roger Bootle and his team from HSBC Markets argue that inflation has ended. It would be rash to conclude that the earth shook; but some people went away looking thoughtful. Their interest is easily explained. Bootle has for the last few years been the City's best forecaster of the British economy, though not of the bond market.

Inflation has fallen even faster than his apparently rash forecasts — has anyone. I repeat, noticed that we have not had any inflation at all since May? But the markets still don't believe it. The apparent gloom now is enough to baffle even the Governor, let alone Bootle. No wonder he is beginning to look a little like an Old Testament prophet.

However, his idea of the long term did not go back to Biblical times; just to the 14th century. The point is that on this 600-year view price stability, or something near it, is pretty much the norm. Wars and bad crops could drive up prices, but they fell again. The world of Bottom the Weaver, in which a pension of 6 old pence a day (just over £9 a year) would make life easier for an artisan is nearer that of Sherlock Holmes, who regarded an annuity of £150 as an adequate motive for murder, than it is to our own world of five-figure average incomes.

It is the uninterrupted post-war inflation that is an historical oddity. Bootle argues that the price stability which has reappeared in the last three years is a return to normal, and will last. His reasoning rests on a structural explanation of inflation: that the main engine of modern inflation was large-scale manufacturing, in which products were highly differentiated and manufacturers enjoyed strong market power. Add policies and

state enterprises left over from the 1930s slump, and you had an inflation engine.

However, this was a passing oddity. Big manufacturers no longer rule the roost: they face a falling share in all developed economies, fragmentation and global competition. And the trade unions, who derived their market power from that of their employers, have also lost it. Policy has also reversed. Industry cuts costs, officials aim primarily at stopping inflation; and markets are locked into an outdated pattern, hedging against a forecast inflation which never seems to appear. All of which means that if Bootle is right, we risk severe overkill. Small wonder that we now have a feel-bad recovery almost everywhere, and virtually no recovery at all in once dynamic economies like Japan.

Is all this plausible? There is surely, at the very least, a case which needs answering. Indeed, I would add to it the growing power of retailers over their suppliers is also a powerful structural change making for lower prices. Sir Thomas Lipton's shops did more than steam to raise working class living standards in the 19th century. For Lipton read Sainsbury or Walmart. History may be repeating itself. And another thing: markets are endlessly excited about commodity prices; but more and more of our spending is either on highly processed materials, sub-miniature things, or no materials at all — information and amusement. No bottlenecks there.

Does all this mean that equities will be squeezed as ever-fiercer competition compresses margins, and bonds will boom again? Not necessarily. Returns on investment in emerging markets may be huge; and it is these returns, with the level of savings, which set real interest rates. But the Bootle thesis deserves some attention: get hold of his paper (HSBC Markets are at 10 Queen St Place, London EC4R 1BQ) and reach your own conclusions.

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Equities rise in heavy trading

TRADING PERIOD: Settlement takes place ten business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

High	Low	Company	Price	Change	Yield	P/E
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5

BANKS

High	Low	Company	Price	Change	Yield	P/E
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5

BREWERIES

High	Low	Company	Price	Change	Yield	P/E
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5

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100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5

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100.00	99.50	Bank of America	100.00	+0.50	4.5%	12.5
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FACILITIES
MANAGEMENT

Office designs with people in mind

David Young looks
at the winners of
yesterday's Office of
the Year awards

The development of new offices which meet the precise needs of the company and the people who will be occupying it has become much more important, as the entrants for this year's Office of the Year Awards clearly illustrate.

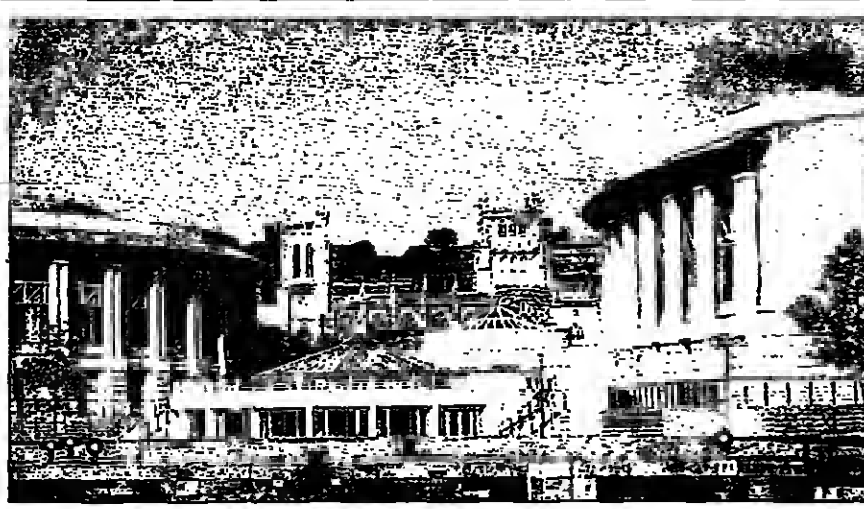
The awards, made annually for the past 24 years by the British Institute of Facilities Management and for the third successive year sponsored by Du Pont (UK), were presented last night.

Tony Thomson, chairman of the BIFM judges' panel, says: "Each year the judges' task becomes more difficult as standards rise. The marrying of the irresistible force — the operational requirements — and the all too immovable object — the building — presents new and interesting challenges to the project teams. The solutions show ingenuity and perseverance in equal quantities."

"The enthusiasm and pride in a job well done has been impressive. Even the standard of offices that have not won awards show how much care is now invested. Each step forward is reflected in greater efficiency and a better working environment for the staff. The entrants will have learnt a great deal from their experience in entering and this can be passed on to the next generation of project teams."

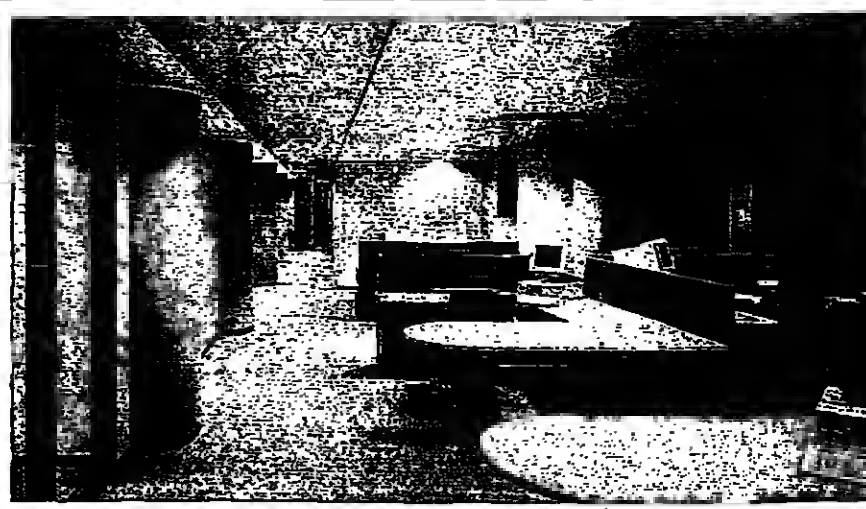
The judges found that the buildings which were highly judged in facilities management terms were those which also performed very well in energy efficiency. This proves, say the judges, that low-energy usage is not only a feature of the building design but also is reliant on good, tight, day-to-day facilities management.

In terms of energy efficiency and environmental impact this year's entrants displayed a higher standard than in previous years. This was particularly apparent in the purpose-built sector, with the energy use of entrants in this class significantly lower than that re-



The prize in class 1, purpose-built offices, for new buildings specifically designed for an entrant's requirements went to Lloyds Bank, Canons House, Bristol (above left). In class 2, existing buildings, for accommodation provided in existing buildings, fitted out or converted to meet the entrant's

requirements, the winner was Hamilton Oil, Devonshire House, Piccadilly, London (above right). Class 3, smaller offices, for offices with accommodation for between 12 and 50 staff in a purpose-built or existing building, was won by Blairlogie Capital Management, Princes Street, Edinburgh (below left). The facilities management award, for excellence in facilities management, went to Lloyds Bank, Canons House, Bristol and the Du Pont Award, for innovative design in meeting business objectives, to Andersen Consulting, Kingsley Hall, Manchester (below right).



garded as acceptable for the typical office building.

Energy savings were naturally not so good in adaptations of existing buildings, but here the judges found that by adopting the best facilities management practices energy consumption levels could be dramatically cut.

The judges also pointed out that despite the difficult economic cli-

mate during which the entries were conceived and built, standards have been maintained or improved. The process by which yesterday's innovation becomes today's good practice and tomorrow's commonplace has ensured a wide spread of excellent buildings in use, add the judges.

The class 1 winner, the Lloyds Bank, Canons House, in Bristol,

has been built on an 11-acre site in the docklands area of the city. It is the headquarters of Lloyds Retail Banking. A crescent-shaped block, linked to a circular block, it provides 33,500 square metres of space. Its 1,450 staff have been relocated from several buildings in London, including one office at the Hays Galleria which was itself an Office of the Year Award winner.

A project company was set up by Lloyds to manage the work. Bristol was chosen because of ease of communications and the availability of a good site which enabled Lloyds to meet the objective of bringing all its retail divisions under one roof. The building was designed so that floors could be sublet, but in fact it is already nearing maximum capacity. The

judges say that "this is an impressive class winner which seems to have met the objectives well, within a building which is efficient, flexible and pleasant to work in." The Lloyds building has also won the Facilities Management Award for excellence.

The class 2 winner, Hamilton Oil, has used 6,000 square metres of offices on four floors of the nine-

storey Devonshire House overlooking Green Park. Originally the home of the Dukes of Devonshire, it was converted to office use after the Second World War.

"The management of Hamilton Oil set itself an extremely difficult task by deciding to refurbish existing areas in this multi-tenanted building," the judges say. "Not only were the offices occupied but they also had a forest of columns, leaking sash windows, varying floor to ceiling heights and no uniform planning grid."

"It is good to see that in this old and eccentric building, management have achieved energy consumption levels that are significantly below the average. The overall result has been the creation of an extremely successful and possibly unique office environment based on good planning with well thought through detailing."

In choosing a winner for class 3, for smaller offices, the judges saw that the problems and complexities did not diminish as buildings reduced in size. The winners, Blairlogie Capital Management, occupy 465 square metres in a multi-tenanted building in Princes Street, Edinburgh.

The management wanted to project the character of the company and its Scottish affiliations, while providing thorough and innovative data, computing and security systems, and to create a clear, open and well-ordered layout to encourage interaction between staff.

The judges found that the company had prepared an extremely specific brief, a rarity in this sector. They add that it also appears that all the objectives have been achieved, with the result that a quite ordinary site has been transformed into a very businesslike, efficient and pleasant place to work.

They say it was a "very pleasant experience to visit these offices and to see the obvious appreciation felt by the staff as a whole. This is an excellent example of the objectives of this competition."

The high standard of entries is shown by the fact that the Du Pont Award for Innovation has been won by the Andersen Consulting building at Kingsley Hall, Manchester. The judges remarked that "in another year" this might have been the overall winner.

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Where's my window?

A survey reveals what office workers have always known: they like to look out on the world, says Rodney Hobson

Years of installing air-conditioning have done nothing for the morale of the workforce. Quite simply, office workers like windows.

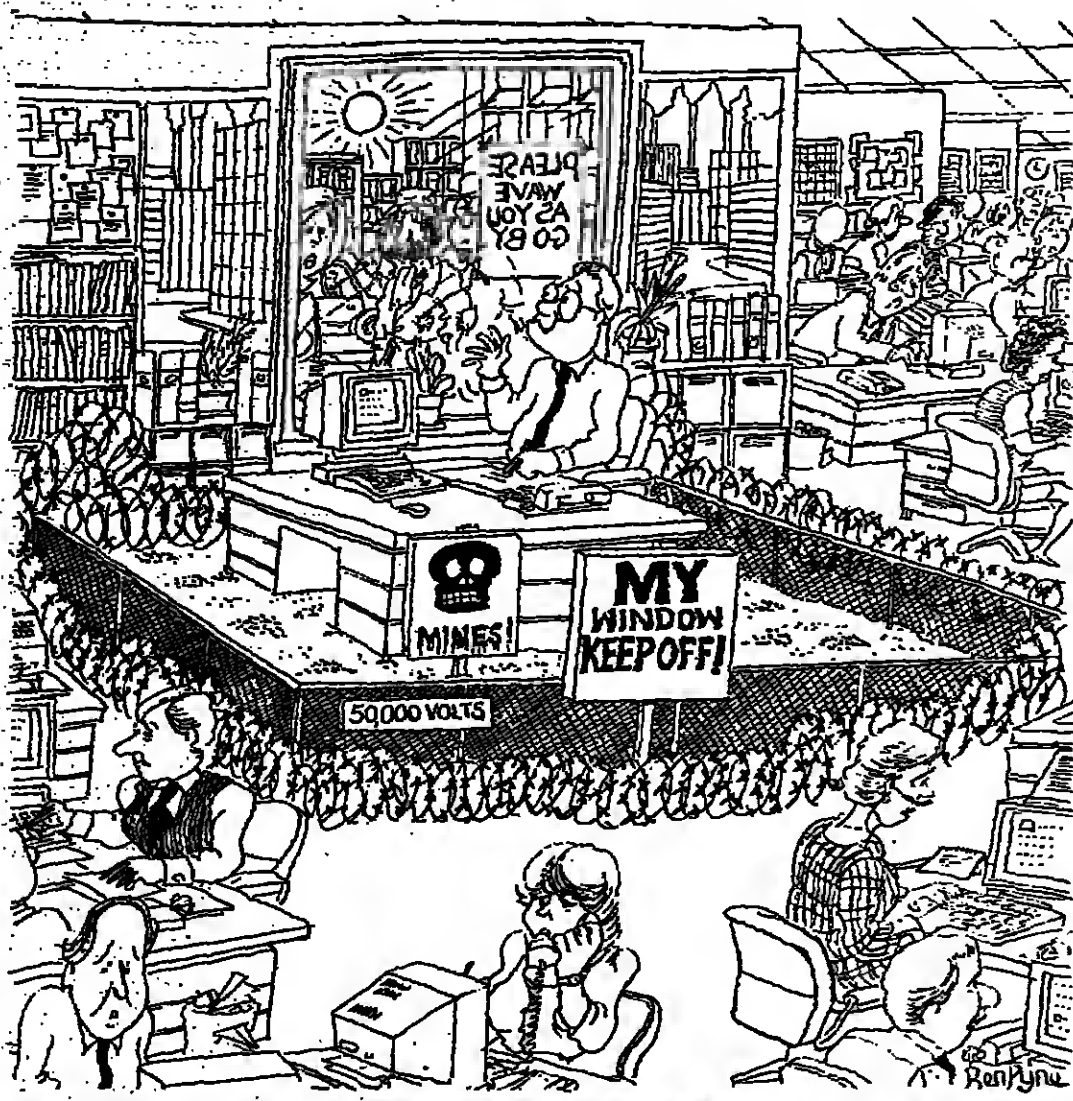
A survey by Richard Ellis, the property consultants, has found that the desire for natural light creates even greater unanimity than issues such as the use of asbestos in buildings or the misery of repetitive strain injury. Office occupants are generally prepared to suffer noise and dirt from open windows, or arguments over how far the window should be opened, in order to retain some control over their working environment.

The study, conducted for Ellis by the Harris Research Centre, found that fresh-air fans outnumbered by nine to one those wanting to bask in an artificial atmosphere.

Mike Warner, the joint head of Ellis's corporate property operation, says: "This view runs contrary to the fashion in the mid 1980s when developers were encouraged to provide 'deep space' for financial organisations. The high value now attributed to the use of windows, as opposed to air-conditioning, may reflect the low level of effectiveness achieved by the latter in many buildings because of bad maintenance, incorrect adaptation by users and fears about sick building syndrome and 'Legionnaires' Disease'."

The report points out that productivity at work bears a close relationship to the work environment. Factors such as poor lighting, both natural and artificial, poorly maintained or designed air-conditioning, and poor office layouts affect performance at work, resulting in absenteeism, lower performance and even ill health.

It says that because a company's investment in its staff "often represents its greatest business outgoing there is clearly an advantage in ensuring that the workplace environment supports business output and does not detract from it. Companies that are seen to address these issues are also likely to



maintain morale and retain the loyalties of their staff to a greater degree than those with a more cavalier approach."

The Harris Centre found that almost all senior managers accept that a well-designed building has an effect on productivity. It says that since the fall in speculative building, there have been many examples of office users dictating the design of major locations. Some developers, it found, have also recognised the need to improve the quality of the office environment.

A possible clue to the widespread installation of air-conditioning is found in the section of the report dealing with running costs. Future energy costs are viewed with considerable complacency. Indeed, it is only in recent years that organisations have taken any real interest in the running costs of buildings, the report says, and many still do not



Mike Warner: a changing view

know what their running costs are.

An even greater prize is likely to be a desk to call one's own. A new practice that is developing is "hot-desking" whereby staff often out of the office during the working day

have to plant themselves in any available space whenever they return from the outside world. It is particularly prevalent among sales staff and buyers who are often on the road seeing clients and suppliers.

Mr Warner says that in many companies one in ten staff members suffers the indignity of hot-desking and the proportion is likely to grow to about four in ten over the next five years. Savings in equipment, rent and running costs such as lighting and power are the driving force behind the sharing of desks. He says similar savings could be made if companies stopped shunting their staff from department to department. He claims that one in three staff moves within existing buildings in the space of 12 months, creating a significant expense unless the building design is flexible.

How an organisation is making big savings on office lighting

The light touch of Little Sister

A new lighting scheme, installed by the Buying Agency of the Environment Department at its Liverpool headquarters, is producing savings of 56 per cent in electricity running costs.

John McClellan, lighting and electrical services product manager, decided to re-light the large open-plan office to provide a more comfortable working environment for the computer operators. In line with the health and safety regulations, and to save energy.

His aim was to reduce energy consumption by 15 per cent, which is the Government's target figure for overall energy saving in its premises.

Mr McClellan says: "The new lighting will save £5,200 a year on running costs — the electrical load has been reduced from 45kw. It is easier on the eyes and there is always light on workstation when it is required, without staff having to get up and touch switches."

He chose a scheme using "intelligent" lighting fittings for the 1,605 sq m office, which houses 107 staff. About half of them are doing visually demanding work on computer screens, including figures, and the rest paper-work. The special feature of the lighting fitting is that it senses whether people are present within a 2.5m radius and how much light is available in its area. It then adjusts the light.

Energy is saved in several ways. If dark clouds are passing over, the lighting is automatically switched on, but because the fittings contain a dimming device, full light is not used unnecessarily. Just enough light is given out to top up the light to the necessary pre-determined level. When the clouds have passed and sunlight is streaming into the office, the electric light is automatically switched off.

What is more, because the controls in each fitting are self-contained, an individual service is provided over each workstation. If someone at the back of the room requires a little more light, the whole scheme does not switch on,



New lighting which automatically dims as you leave your desk

nor even one row of lights, only the light over that workstation.

There is much coming and going of staff for meetings and to speak to people in other departments. When people leave their desks, the fitting above switches off until they return. Big Brother is not watching you — but perhaps Little Sister is.

Another advantage for the Buying Agency arises from the flexible shifts that staff work. Early morning and evening work, however, no longer make an impact on the electricity bill because

The new lighting system has changed the look of the office — it gives it a better image'

the lighting is on only over desks that are occupied.

Mr McClellan points out that the fluorescent lamps are being operated at high frequency, which also saves energy. Two 40W compact fluorescent lamps are used in each fitting, and special louvres below the tubes prevent glare, as recommended for offices in which video display terminals are used. Twenty-six of the lights also contain emergency lighting equipment and will come on automatically if there is a break-down in the mains electricity supply.

Lorraine Johnson, a supervisor in the marketing services department, says everybody is happy with the new lighting; there have been no problems with glare or reflection.

tions in the computer screens. It is also possible to see at a glance whether or not people are in and whether their light is on. "It has changed the look of the office," she says. "It gives it a better image."

Apart from economical running costs, there were savings in installation costs. Because the control devices in the lighting fittings are self-contained, they did not have to be wired back to a central energy management system. That would have cost another £12,000 to £15,000.

Further savings have been made because no wall switches are required. The cost of running cable down a wall and installing a switch is up to £50 a point. This also means that if the office layout is changed at a later date, no expense will be incurred in re-wiring switches.

The Buying Agency has automatic lighting control, finely tuned to each workstation, and the installation simply involved connecting the lighting fittings, which are by Thorn Lighting, to the ring circuit in the ceiling.

The Buying Agency, which was the Crown Suppliers until it was privatised in 1991, sets up contracts for the purchase of all types of supplies and services for different public-sector bodies.

The agency therefore regularly receives visitors from government departments, local authorities and other bodies, and the modern, high-performance lighting scheme now reflects its up-to-date image.

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New firms are thriving as the computer industry's backup boys

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THEATRE page 36

A promising young playwright paints a vivid picture of the world of his contemporaries

ARTS

HERITAGE page 37

Chris Smith and the Labour Party want art for all. But how are they planning to pay for it?



OPERA: A fragment reconstructed; *The Ring* complete in Paris; and a British director's triumph at the New York Met

Elgar's lady steps out in public

The Spanish Lady was the opera left in embryonic form when Elgar died. Next week, however, it will be staged. Richard Morrison reports

Dr Percy Young is a brave man. He has announced to the world not only that he has discovered the lost City of Atlantis, but also that he has salvaged it, polished it up, and is putting it on public display next week.

Not literally, you understand. But in the world of English music the 82-year-old scholar's behaviour amounts to much the same thing. For in Cambridge next week the University Opera Society will be staging what is described as "the world premiere of Elgar's only opera". And it is Young who has "reconstructed" this mythical beast.

Since *The Spanish Lady* was never actually constructed in the first place — merely left as a big brown folder of jumbled jottings when Elgar died in 1934 — Elgarians are more than a little puzzled. What has Young (who wrote a seminal study of Elgar's music 40 years ago) done with their hero's last, sketchy musical thoughts? And what will the Cambridge performers do when Elgar's scanty bits of music run out? If the *Louvre* announced that it was passing on the Venus de Milo, the reaction of mingled scepticism, alarm and curiosity would hardly be greater.

"People don't criticise sketches who make sound reconstructions of what was there before," Young says, by way of justification. "I look on this as an architectural exercise, and I have the advantage of having been brought up in Elgar's day. His harmonic world is mine also."

Nevertheless, the extent of Young's reconstruction may be thought bold to the point of recklessness. True, Elgar left 180 fragments of *Spanish Lady* music in that brown folder. They were published three years ago as Volume 41 of Novello's *Elgar Complete Edition*, along with the libretto — adapted from Ben Jonson's play *The Devil is an Ass* by

Elgar himself and the theatre impresario Sir Barry Jackson. But, as Young readily admits, most of these pieces are only a few bars long, none is orchestrated (apart from one tiny snatch), and many lack harmony. Young has virtually composed — some numbers from scratch, based on mere wisps of Elgar themes. He has completely orchestrated the work for 26 players (Elgar had grander ideas). He has recast the libretto, basing it more thoroughly on Jonson's play than Jackson envisaged; and taken music from elsewhere in Elgar's output, as well as spoken dialogue direct from mythical beast.

Jonson, to fill in the gaps. Now, perhaps, it becomes clear why other Elgar scholars are shaking their heads at his audacity. "But it is a great mistake to write something with other scholars in mind," says Young unrepentantly. "I have tried to produce something which Elgar might have recognised as being a tolerable reconstruction of his intentions."

The pity is that Elgar did not live long enough to complete *The Spanish Lady* himself. Or rather, that he waited until he was nearly 75 years old before beginning the "great English opera" that friends had been urging him to produce in his final 20 years. "There had certainly been no shortage of eminent suitors suggesting subjects," The Irish novelist George Moore had proposed to Elgar what Young describes as a "wonderful plot" as early as 1902. Later, Laurence Binyon, whose war poetry Elgar set so superbly in *The Spirit of England*, approached the composer several times with an idea for an Arthurian opera.

Even W.S. Gilbert sent Elgar a reworking of one of his early plays, *The Wicked World*. And much later, Elgar's close friendship with George Bernard Shaw led to thoughts that the Irish dramatist might supply a libretto.

Shaw, perhaps wisely, realised that his worthy rhetoric would not happily bed down with Elgar's flowing lyricism. By 1932 Elgar must have realised that time was running out. He consulted another friend, Sir Barry Jackson, founder of the Birmingham Rep and of the Festival in Elgar's beloved Malvern. "Elgar told me that he wanted to write something that was thoroughly English roast beef and beer," Jackson later recalled. "And he could think of nothing better than Jonson's *The Devil is an Ass*. This play was a complete stranger to me."

Jackson advised simplicity and economy, to ensure that the work would be performed in those Depression years. Elgar was having none of it. "It is going to be a Grand Opera, and it is going to be

very grand, and it is going to out-Meistersinger the Meistersinger," he told Jackson. So Elgar set to work, though he had written no major piece for more than a decade. He was also, he told friends, hard at work on his new Symphony No. 3. He must have known that his chances of finishing either work were remote. In the event, *The Spanish Lady* advanced far quicker than the Symphony, which not even Dr Young is thinking of reconstructing. "I feel somewhat shy of writing at my age," Elgar wrote to Jackson. "But on listening to it I fail to notice any marked senility."

A new edition of Jonson's plays had come out, and Elgar, a voracious consumer of literature, had devoured it. Indeed, he had entered into scholarly correspondence

about Jonson in the *Times Literary Supplement*. When he came to assemble the libretto for *The Spanish Lady*, he turned not just to *The Devil is an Ass* but to much else besides. Young has found references taken from no fewer than 17 Jonson plays, as well as the bizarre inclusion of a poem by John Hay, the American ambassador to Britain in the 1890s.

Thus emboldened, Young has also supplied words of his own to a great love duet in G flat that Elgar left without text. "The music is an absolute winner," Young says. "And nobody has yet complained about the words."

But it is Jonson's *Devil is an Ass* that supplies the bulk of the story, a saucy satire on

contemporary Jacobean mores. In the play, the devil is an ass because when he sends a minion to London the little devil is quite outdone in the evil stakes by the profiteers, land developers, speculators and philanderers he encounters there. The devil retires, beaten at his own game, with the observation that "Hell is a grammar-school" compared with London.

Young believes that the "morality play" aspect of Jonson's drama was what appealed to Elgar, who had himself been stung by dodgy share-dealings. "The play holds up a mirror to London in 1616, which was a very corrupt place," Young observes. "But it is also — politically, socially and sleazily — very relevant to the present day as well."

What, though, of Elgar's music? It is certainly rich in pastiche ancient dances. But Young admits that most of the so-called "new compositions" for the opera were recycled by Elgar from things he had written, in some cases, fifty years earlier.

In truth, he was an old man clutching at the straws of his own past greatness when he came to write *The Spanish Lady*, and no amount of clever reconstruction is going to disguise that. And yet no true lover of English music will willingly miss the curious "world premiere" in Cambridge next week, if only to experience the utterly Elgarian anguish of imagining what might have been.

● *The Spanish Lady* will be performed on November 24, 25 and 26 at the West Road Concert Hall, Cambridge. Tickets: 0223 357851

The Met changes its tune

IT IS a popular pastime in New York to tut-tut the artistic timidity of the Metropolitan Opera. The intelligentsia here, looking over its shoulder at Europe, is always bemoaning the absence of the avant-garde at America's leading opera company.

Graham Vick's premiere production of Shostakovich's *Lady Macbeth of Mtsensk* ought to shut them up for a while. Ceaselessly imaginative, witty and, best of all, faithfully at the service of the text, it is the most dramatically effective new production at the Met in many seasons.

Vick, who was making his Met debut, set the opera in a protest, nightmare vision of post-perestroika Russia, a soulless place haunted by the ghosts of Stalinism and obsessed by machines. Throughout the opera, the set is dominated by a massive, lowering television and a rather disreputable refrigerator to which the men are always resorting for something to drink.

Stage designer Paul Brown, also a debutant, gave generous treatment to the satirical aspect of Shostakovich's "brag-satirical opera": the bed upon which Katerina and Sergei make love, a poisonous magenta confection that might have been made to Claes Oldenburg's specifications, is brought out and dumped on the stage with a forklift driven by a female stagehand wearing a wedding dress. Pop Art is invoked again in Act III: the entrance of the police is announced by a huge poster of a comic-strip first emblazoned with the word "POW" (in

Lady Macbeth of Mtsensk
Metropolitan Opera,
New York

Russian characters, of course). Soviet Realism meets Roy Lichtenstein.

The soloists were all excellent, singing as well as they acted the parts given them by Vick. Maria Ewing was mesmerising in the name part, sounding at moments uncannily like another memorable *Lady Macbeth*, Galina Vishnevskaya, her voice waiting and keening like the wind roaring across the steppes. Tenor Vladimir Galouzine, in his debut, was a powerful Sergei, deftly capturing the humorous nuances of the role. Met veteran Sergei Kopchuk effectively played Boris, the father-in-law, as a shambling fool with a strong resemblance to Alexander Solzhenitsyn.

The orchestra, conducted by James Conlon, successfully played with exquisite polish. Dionysiac abandon and sparkling wit, making music of a score that in some performances is too often a muddle. Conlon has a special talent for goading the orchestra to play with thrilling volume when required, yet never drowning out the soloists.

It took 60 years for Shostakovich's towering, nihilistic opera to reach the Met (actually, a touring production with Artur Rodzinski and the Cleveland Orchestra performed the piece on the stage of the old house in 1935), but it was well worth the wait. Vick and the company have given New York an exhilarating evening of music theatre, and one suspects that the invitation to return must already have been tendered.

RODNEY MILNES JAMIE JAMES

MUSIC: Stephen Pettitt meets the composer Graham Fitkin

Graham Fitkin's music, I confess, is not my cup of tea. But when you meet the composer, who lives quietly and works like a maniac in Cornwall, he proves to be a disarmingly convincing man. Challenge him about such things as the repetition of minimalist music, and he does not throw a pink fit. He thinks about it, enjoys a joke, and quite often agrees that you have a point. Then he patiently explains what he is trying to do.

The first thing is that he insists he is not a minimalist at all. "I've taken aspects of minimalism and repetitive music and I do enjoy it," he says. "But my music's a lot more chopped up and heavily structured than those guys." The bottom line is that he writes the music that suits him, and that music is broadly classical and objective, as befits a mind obsessed with organisation. He is also refreshingly aware of his relative youth and inexperience.

He was recently appointed composer-in-residence for a two-year period at the war-torn Royal Liverpool Philharmonic Orchestra. During his remaining time with the orchestra there will emerge a ten-minute work called *Henry*, commemorating the centenary of Purcell's death, a new work for the Merseyside Youth Orchestra, and, at the end of 1995, a piece for piano and orchestra composed for Peter Donohoe and the RLPO. And tonight at the Anglican Cathedral in Liverpool there is the world premiere of *Length*, his first piece for the orchestra.

Not a bad list for a

Fresh Mersey sound



Fitkin: Liverpool's composer in residence

composer who deserted orchestral writing in 1984, in preference for more homogenous ensembles, like six pianos, and who professes to having "fundamental problems" with the orchestra. "I don't like the sound for a lot of the time. But this is an opportunity to see if my music can in fact function with an orchestra." Stravinsky's block-style of orchestration, with each section more or less keeping itself to itself, is logically his principal exemplar.

"I like to think that *Length* deals with time, and about how similar amounts of real time are perceived in different ways, depending on the amount of information you

might put into them. Or where they come into relation with a previous bit of music, or whatever. It's hardly earth-shattering stuff, but it's the first time I've explored something where I could alter people's perceptions of time."

Length is a radical reworking of another piece of the same title, written for David Massingham Dance in 1990, which Fitkin readily admits was too mathematically structured. Now he realises that the tensions he wants to create are more effective if a little unpredictability is built in. The joins between sections, he says, are more fluid. "I think ten years ago I was forcing the issue a lot with mathematics and general structure. I've got much freer, I hope."

That sign of flexibility is something one welcomes, and it is further evident on the latest recording of Fitkin's music to hit the shops — called, after the piece at its core, *Hard Fairy* (Decca Argo 444 112-2). Surrounding that central work are several rather lovely, quietly expressive, short piano pieces that positively draw repetition and quick pulsation and whose layout and harmony bring to mind Chopin's Nocturnes without the quirkiness.

But Fitkin will not be going the whole Romantic hog. In fact he still rather dislikes Romantic music. Surprisingly it turns out that he is a fan of Brian Ferneyhough. "It so happens that my music is not of that ilk," he says, with a chuckle. "But, with luck, it might get a little closer."

● *Length* will be premiered at Liverpool Anglican Cathedral tonight at 7.30pm (051-709 3789)

Ring in the new and magical

Siegfried/
Götterdämmerung
Châtelet, Paris

The final Châtelet *Ring* cycle drew to its close on Sunday to thunderous and well-deserved applause for conductor Jeffrey Tate and the singers. The producer Pierre Strosser joined them, to a barrage of boos (wholly undeserved), and then bravely foolishly — took a solo call to allow people to vent their wrath without let or hindrance. Why do people react so violently to *Ring* productions? What do audiences want? A literal representation of 19th-century stage directions that would look fabulous today?

The cycles have been a personal triumph for Tate. The restlessness that marked parts of *Walküre* last week was only a passing phase taken as a whole this *Ring* was wonderfully well conducted. He worked, of course, as assistant to Pierre Boulez on the Bayreuth centenary cycles, and matches his mentor's businesslike, austere pacing. The strict-tempo Rhine Journey was perhaps a little too austere, but the whole second act of *Götterdämmerung* blazed with unstoppable dramatic energy.

But Tate was always aware of the music's beauty, and where appropriate lingered over it mouthwateringly: the Forest Murmurs, the passage before Brünnhilde's Awakening, Siegfried's dying reminiscences. Especially memorable was the accompaniment to Wotan's description of Brünnhilde, one of those moments



Robert Hale (the Wanderer) and Peter Keller (the Mime) in a scene from Pierre Strosser's production of *Siegfried*

when time seemed to be suspended. In the end the seal of Tate's success was stamped by the superb quality he drew from the Orchestre National de France. It was fresh, beautifully balanced, colourful and always pointed, never just sound for sound's sake.

And there was the quality of the singing he coaxed from a fine cast, right down to Donna Brown's crystal-clear Woodbird. Robert Hale's Wotan was consistently mellow of tone and free at both extremes of the range — here is an undervalued singer at the height of his powers. Franz-Joseph Kappelmann (Alberich) and Peter Keller (Mime) were exceptionally vivid brother Nibelungs. Elke Wilmschulte, for some reason got up to look like Siegfried Wagner, sang nobly as Gunter. The only disappointments were Kurt Rydl's relentlessly loud, unsteady Hagen, and a miscast Waltraute.

Heinz Kruse, hitherto a character tenor, has recently turned to Siegfried with decidedly positive results. His voice

is on the dry side, but he is musical, tireless and has the same sort of open-faced, innocent integrity remembered of Alberto Remedios: he makes the man likeable, and that is almost half the battle. Gabriele Schnaut's Brünnhilde is more a matter of taste. She certainly has what Anna Russell so memorably described as "a good cutting edge" to her voice, but her

diction is indistinct, her phrasing wooden. She was *souffrant* — so much more expressive a word than "indisposed" — for *Siegfried* where Janis Martin, although less naturally gifted, gave the game away by joining the notes into finely moulded musical phrases.

Strosser's production I persist in admiring greatly, not least because of Joël Hourbeig's austere but ravishing lighting plot. Strosser never illustrated the music — how can one, adequately? — but worked with and around it in dramatic counterpoint. He emphasised human values in settings audiences could recognise. Maybe that's why some of them hated it.

In the final pages there was no Disneyland attempt to show a burning Valhalla or Hagen frisking with the Rhinemaidens. Brünnhilde sat at the edge of the world, the light of the Rhine reflected in her face before turning to us: "Do better next time." Unforgettable.

RODNEY MILNES

An evening of Rachmaninov

Tomorrow at 7.30 in the Royal Festival Hall

Piano Concerto No.2 and Symphony No.1
with Yu: Tano, A Korean Rhapsody

Djong Victoria Yu conductor, Evgeny Mogilevsky piano
PHILHARMONIA ORCHESTRA

Tickets £5 — £28 Box Office 0171 928 8800. Sponsored by DAEWOO.



Vote for me, fah, so, lah ...

Chris Smith could be Heritage Secretary in a Labour Government. Andy Lavender strives for substance from the Shadow

Perhaps somebody should scratch Chris Smith to see if he is flesh and blood, or made from some remarkable alloy developed in the New Labour laboratory. For if you had to invent a Blairite Shadow Heritage Secretary, you could hardly hope to better the current model, appointed to the post in the recent Shadow Cabinet reshuffle.

First, there is his arts background: a degree in English Literature, a PhD in early 19th-century poetry (with particular reference to Coleridge and Wordsworth). Then there are his involvements beyond Whitehall as governor of the Sadler's Wells Foundation and as a member of the board of the Grand Union Orchestra, both located in his Islington constituency. What's more, he actually sees shows (most recently Cheek By Jowl's production of *Measure for Measure*, and English National Opera's production of *Peter Grimes*) and films.

Let us suppose that he is a gadabout, consider that he served five years in Labour's Treasury team under the late John Smith, and gained promotion in 1992 to become Shadow Secretary of State for Environmental Protection. All of which means that he knows his way around parliamentary procedure and understands the workings of the Treasury.

He might win at the idea that this makes him "Labour's David Mellow", but it certainly seems that, after Smith's baffling choice of Mo Mowlam, the party now has the

right person as its Heritage Shadow. There seems no reason to disbelieve his assertion that, should the next election return a Labour Government, he "absolutely" wants to retain the Heritage brief. It could become, he insists, rather more than a trifling outpost of Government. "I think the fact that Tony Blair has decided to appoint a reasonably senior member of the

shadow cabinet to this portfolio bodes very well."

Labour, of course, claims as its own the concept of an arts and media ministry. John Major did not so much steal the idea as expand upon it: his Department of National Heritage, created in 1992, embraced muse-

ums, sport and tourism as well. "I think they have the right elements in there," Smith says. "But I dislike intensely the title Heritage. For most people it implies things of the past, and the DNH ought to be about the future. If I could come up with a better title I would." Answers on a postcard, please ... but note that Labour's preference for a Ministry of Culture has been quietly laid to rest, deemed too forbiddingly Orwellian.

It is with the future in mind that Smith's "particular brief" from Blair is to develop the party's policy on the "information superhighway", currently being assembled from the dishes and chips of telecommunications and computer technology. Smith is looking with interest at the American vice-president Al Gore's initiatives in America, "making sure that new

technology is going into every school, every library, every community centre in the US. Nobody in the Government is doing that here."

This leads him to the "big idea" for his department as a whole: "That everybody, no matter where they live or how poorly paid they are, should be able to have access on a reasonably ready basis to art, sport and culture of high quality."

Nobody would argue with that, but it poses the obvious question: how would he pay for it? Smith represents Labour's Trappist tendency when it comes to spending commitments. He rules nothing in, he rules nothing out. True, he has only been in the post for a couple of weeks, and he does hope to present a specific policy statement at the next Labour Party conference.

Meanwhile he scrupulously tempers ambition with caution.

The funding of the BBC will almost certainly be discussed during the life of the next Government. Smith declares an "instinct that the licence fee is the best mechanism that can be devised". In other funding areas, he points out that direct Government grant is not always "the best way of stimulating ideas". He indicates a willingness to consider proposals regarding tax incentives to encourage both individual donation and corporate activity, while insisting that any such schemes should not inhibit diversity and creativity. He will watch Kenneth Clarke, the Chancellor, "like a hawk" for attempts to replace existing Government funding with revenue from the National Lottery. And he insists that the

arm's-length principle — which ensures that Government does not directly fund any particular company or institution — remains central to his thinking: thus he envisages a continued role for the beleaguered Arts Council, despite recent Labour intimations to the contrary.

The irony is that hardly anybody in the arts expects to get much more money from a Labour administration. A few inquiries of arts organisations yield a consistent response: with only a couple of exceptions there are no bids for massively increased subsidy, no calls for radically expanded arts policies; simply battle-weary pleas for funding levels to be maintained.

This sense of post-operative trauma gives Smith — and, for that matter, Stephen Dorrell, the cur-

rent Heritage Secretary — a unique opportunity to present a renewed vision of the nation's cultural possibilities. To that end, Smith expresses admiration for France's President Mitterrand and his erstwhile culture minister, Jack Lang, notably for their ability "to think in a much more culturally imaginative way". He gives as a British example the development of Stansted Airport: "A far higher quality of building than earlier airports. But why aren't we thinking of what goes on inside airports? If people are waiting for an hour or two with nothing to do, why not get some music in there and have a room set aside as a little museum with a rotating exhibition space?"

Even *petits profits* need paying for, and Smith argues that the Heritage Department deserves a

larger slice of the cake. "It's not only worthwhile expenditure in that it brings pleasure to millions of people, but it also has an economic return," he says. "If you add up everything that the Department of National Heritage is responsible for, it actually amounts to a bigger share of the GDP than the whole of manufacturing industry."

This smacks of a soundbite being rehearsed in preparation for future battles with Treasury colleagues. The only snag, of course, is that the Labour Party must first win a general election. All we can say for the moment is that Dorrell now has two shadows to frighten him. The first is that of David Mellow, still routinely perceived as the Tories' Heritage Secretary ex officio. The other takes the shape of his counterpart across the House.



Islington man in his element: Chris Smith takes time out from his duties as Shadow Heritage Secretary to reacquaint himself with Stanley Spencer's *Resurrection*

Life in the cabaret, mon vieux

Why did it take an Englishman to rekindle Paris's love of nightclubs?

Susan Bell has a table at the front

On turntables across Paris, the French rock group Mano Negra laments "Paris la nuit c'est fini, Paris va crever d'ennui" (Paris by night no longer exists, Paris will die of boredom). British musician Bradley Scott, who arrived in the French capital nine years ago, agrees. "Cabaret is dead and theatre is dying. Culture has become a sideshow for television. People are bored. They'd rather stay at home and watch the box because it offers them variety and the chance to eat, drink and let it all hang out. Television is modern cabaret."

Scott, who originally hails from Tunbridge Wells, is one of a new generation of artists, many of them foreigners, who are trying to reintroduce variety to ailing Paris nightclubs. For years he dreamt of initiating a renaissance of Parisian cabaret. This month he finally realised his dream, as Cabaret Sauvage, the show he created with Algerian producer and restaurateur Méziane Azalche and a cosmopolitan group of artists, opened in the French capital to rapturous applause from audiences hungry for nostalgia and the kind of entertainment that has all but disappeared from a city once famous for its music halls.

Billed as an authentic cabaret from the 1930s, the show combines music, dance, circus, song, comedy and theatre

in a strangely beautiful cabaret of surreal nostalgia.

Thankfully absent are the feather-clad dancing girls, instead there are the 1930s-inspired songs of Cabaret Sauvage's own Little Sparrow, the singer and accordionist Belle du Berry; the hilarious trapeze artists Die Malters (a couple of prewar nerds in period costume whose contrived clumsiness only serves to highlight their extraordinary grace); an exotic dancer, Julie Dossavi; and Quebecois comedienne Dolores Léonard, who, as the French say, does not keep her tongue in her pocket.

The real star of the show, however, is the inspired music of the Bachibouzouk Band, featuring the haunting trumpet and flugelhorn of David Lewis.

The show's nostalgic charm is heightened by the spectacularly beautiful venue: an authentic art deco marquee dating from the 1930s. With its mirrored walls, traditional zinc bar, deco stained glass, wooden dance floor and red velvet canopy, Magic Mirrors is a cross between a Belle Époque café and a fabulous circus tent.

Café-style seating makes for an informal and relaxed atmosphere, while the low stage encourages greater intimacy with the audience, something musical director David Lewis feels is essential. "Good cabaret invites greater participation from the audience than a concert," he says. "In cabaret, the public becomes part of the show." Margot Marguerite, says: "Here you are *chez vous*. You can smoke, drink, eat, dance. Everything is permitted except boredom."



In an art deco marquee, Cabaret Sauvage revives the past

While much of the music for the show sounds authentic, 90 per cent of it is original. The musicians' old mismatched military costumes, which give them the air of a ragged group of deserters, offer a clue to the Cabaret's musical philosophy. They are also a visual gag for the six-member band who took their name — Bachibouzouk — from the Turkish word for mercenary. "What is interesting about this band is that we're dipping into a lot of influences, whether they be Slavic, circus music, Central European, Latin American, or African, bringing them together and putting our own personal stamp on them to create something new," Lewis says.

The costumes also suggest a serious and, occasionally, sinister undercurrent to the show which can make French audiences visibly uneasy. The Parisian troupe, deliberately chosen for their diverse ori-

gins (members come from Africa, Australia, America, Quebec, Brazil, Britain, France, Germany and the Caribbean) use the show to challenge stereotypes of nationalism and racial and cultural identity. "What we are doing is holding a mirror up to what Paris is today: a multicultural, multilingual town," Scott says. "In London you hear that on everyone's lips. In France it is not much talked about."

In one sketch, Scott, playing a British Army officer, directs an English lesson in which the audience is asked to repeat "We love the English language," and, even more provocatively, "We love the English people." The sketch draws uneasy laughter and a remarkable amount of hostility. "The French are very sensitive about the English," Scott says. "They are convinced that we look down on them and so they don't like us. I think we've got to get them to loosen up and laugh about these unspoken truths and maybe then they can begin to deal with them."

Cabaret Sauvage is at the Espace Chapiteau, Parc de la Villette (tel: 01 43 31 4003/5751 until Dec 31)

JAZZ: A veteran organist profiled; and an American pianist in concert

Jimmy Smith's conversation sounds much like his organ playing: full of manic, quick-fire phrases, incongruous asides and grandiloquent climaxes undercut with antic humour. Above all, the talk — like the music — is relentless. Listeners come away feeling battered, overwhelmed, yet still grateful for the experience.

As an innovator, Smith is often compared to Coleman Hawkins, the father of modern saxophone playing. As a non-stop self-publicist he is rather like Muhammad Ali in his prime. He makes a point of reminding you that John Coltrane played in his band long before Coltrane was famous.

"I was watching a documentary about him the other night," Smith says. "They move like I play. I'm always moving, searching, and always in control, like them." Eyeballs popping, he points at his head or, as he prefers to call it, his "computer".

"I tell you, this thing is dangerous. When I'm playing, I'm the only one that can cut it off. Sometimes I can't. So when other players challenge me, I feel sorry for them. I feel sorry for me too, sometimes, 'cos my brain is going through it. When I'm finished I'm exhausted."

He will be 70 next year, but he looks at least 15 years younger. Though he ploughs through five cooked meals a day (during our encounter, in mid-afternoon, he is half-concealed behind a mountain of rigatoni), Smith still cuts the same little figure portrayed on so many classic Blue Note LP covers of the Fifties and Sixties.

On his funky new live album, bearing the self-effacing title *The Master* (Blue Note CDP-8304512) and recorded in Japan last year with his old friend, guitarist

Hero of the Hammond

Kenny Burrell, Smith proves that his Hammond has plenty of hot-gospel sermons still left to preach.

After a triumphant visit to Dingwall's earlier this year, he launches a national tour at the Hammersmith Palais tomorrow. In Britain, somewhat to his bemusement, he has become the darling of the so-called "acid jazz" crowd, and while the crude wall of sound whipped up by the would-be copycats clearly leaves him cold, he relishes the feverish response of his young British audiences.

As well as the new recording, his visit coincides with the release of a bulky (but for true believers essential) re-issue from the Connecticut-based specialist label, Mosaic. Though the title may be none too catchy, *The Complete February 1957 Jimmy Smith Blue Note Sessions* is a fascinating, if sometimes long-winded collection which brings together the results of three days of jamming with guest performers from Donald Byrd to Hank Mobley and Lou Donaldson.

In those days Smith had just begun to establish the Hammond B-3 as a serious front-line instrument. Originally a pianist, he had switched to the organ full-time only two years earlier.

He was, he assures us (and there is plenty of eyewitness testimony to back him up) a very good piano player, but it was a crowded field. More to the point, he was tired of playing clubs where the piano was out of tune.

Having already heard the pioneer Wild Bill Davis, Smith acquired his own Hammond and, unable to take it anywhere else, kept it in a warehouse where he

began to teach himself how to coordinate the twin keyboards and the bass pedals. "The first time I took a look at the keyboard, I stepped back and said: 'You're mine'."

When he appeared at The Metropolis nightclub in New York last month, he was still attacking the organ as if it were a mortal enemy, jabbing the keyboards, his face contorted as he wrenched out a blues riff. The earlier generation of organists had tended to bring a pianistic approach to the instrument. Smith created his own sound from scratch, inspired less by other piano players than by saxophonists such as Eddie "Lockjaw" Davis and Illinois Jacquet, and the vibraphone master Milt Jackson.

Within months of making his debut with his own band in 1955 he was ready to take on New York, creating a sensation at the Cafe Bohemia and the uptown club, Small's Paradise. A contract with Blue Note soon followed. Smith rattled off recordings by the handful, among them the evergreen *The Sermon and House Party*, before moving on to a successful spell with Verve.

After briefly withdrawing to his home in California, he returned to the touring circuit just over a decade ago. Critics often complain that his playing has not changed in a quarter of a century, but that is really beside the point: Smith is the Old Testament of jazz organ.

CLIVE DAVIS

Further dates on Jimmy Smith's tour information 071-486-4061 include Hammersmith Palais tomorrow; Queen's University, Belfast, Fri and Sat; Newcastle Playhouse, Sun; The Underground, Leeds, Mon; The Ritz, Manchester, Tues; Queen's Hall, Edinburgh, Wed 23; New Trinity Centre, Bristol, Fri 25.



Jimmy Smith: "The first time I saw the Hammond keyboard, I stepped back and said: 'You're mine'"

Proud to be first among equals

Gene Harris
Pizza on the Park

Ganley (drums), he said: "These are musicians as great as any I've ever played with." The second "lie" Harris nailed by stating, simply: "I'm not a blues pianist. I play music."

Beginning with a gentle blues which slowly built, courtesy of Harris's trademark right-hand tremolo effects and his sudden swirling excursions down the key-

board, he'd nailed the second lie before he's even brought it up: even in a blues, he is a great deal more than a blues pianist. Combining the subtle attention to dynamic contrast of an Ahmad Jamal with a rumbustious accessibility more usually associated with gospel music requires a rare sensitivity, but throughout a set that embraced tender ballads like Thad Jones' "To You" and dependable staples such as "This Masquerade" he somehow managed both to delight the audience with his show-

manship and awe them with his subtlety. Faced with such easily worn virtuosity, many rhythm sections would have coasted, content to allow the spotlight to remain on the star. But Green and Ganley constantly stoked the fire under Harris with their tasteful contributions, and Mullen provided both perfect support with his gently stroked accompanying chords and absorbing, long-lined solos.

CHRIS PARKER

CATCH A MODERN MASTER

LONDON
Barbican Centre
ONE of the musical events of the year is about to be the London-Sinfonietta's performance of the Requiem written by Germany's greatest living composer Hans Werner Henze.
Theatre Club members can hear this 20th-century masterpiece in only its second London performance since its premiere at last year's Proms, when The Times critic called it "the finest I have ever heard to say very little indeed."
The soloists in this purely instrumental work are pianist Paul Crossley and trumpet player Hakan Hardenberger, and the

THE TIMES
THEATRE CLUB
Summers is conducted by the new principal conductor, Markus Stenz.
Club members can buy the best available tickets for the evening of 25 per cent off the normal price of £20. To join the Theatre Club, call 0206 222 2222 or write to The Theatre Club, c/o The Times, 1, The Quadrant, London WC1N 3AU.

ACCOUNTANTS EXECUTIVE SEARCH
Interviews and training for those positions open

Get your pen and paper out, shut up and listen... Robert McKee's scriptwriting course is anything but a cosy experience

The scribbler's route to Script City

This course has never been criticised in print by anyone who has taken it. Oh, is this a gauntlet I see before me? I am sitting with about 200 others in a London lecture room, taking the celebrated Robert McKee course, "Story-Structure". A three-day weekend seminar. Long days, too: 9am to 8pm. Intense, like a religious retreat. Full of self-examination. Am I seeking a guru who will lay bare the secrets of story-telling? Or have I placed myself in the hands of a gold-plated sonofabitch?

The tone of menace starts early. The course, widely known in the British television world, is protected by copyright. No tape-recorders allowed. "If you've got one in your handbag, I'll find it."

Hand on hip, open-collared shirt over sweater, cuffs carefully turned back, McKee, a veteran screenwriter, looks the part in which he casts himself: the man from "Script City" — Hollywood. Yet with his silver hair, black brows, fierce eyes and square jaw, he looks a type very familiar from my Irish-American girlhood, espe-

dially in the pulpit. He dishes out a hard line. "You're Brits, right? Stiff upper lip? You can take it."

Let's get down to business, for God's sake. The reference to deity is well-taken. McKee relates everything to himself. He passes out his Ten Commandments. He shouts out questions but accepts only his own answers.

Still, the course must work. It has been taken by 20,000 people in 25 cities around the world. John Cleese, McKee reminds us, has taken it twice. "He keeps threatening to take it a third time."

I think I spot a major TV executive in our class. The rest are a motley assortment of writers, producers, story editors, journalists and others who have paid £275 plus VAT for the experience.

To the presenter, a veteran Hollywood screenwriter, it seems an act of altruism. "I teach it at considerable cost to my own writing time. I do it so that

together we can lift the quality of screenwriting to what it once was." He mentions his art collection, and his horses. An evil vision of a horse's head under a satin Hollywood bedspread leaps into my mind.

The course begins as it is to go on: long stretches of self-display punctuated by invaluable advice. Story is structure. Structure is "event choice". Creativity is composing events into a strategic sequence, to arouse specific emotions and communicate a specific view of the world. An event can be quite subtle. But it must involve conflict, a decision and action. It all must lead to a climax, the moment when the gap flies open between what the character wants and what he gets. "Learn that and you too can have a Beverly Hills mansion and a Mercedes."

We learn about the up-ending and the down-ending, about reversing expectations: about the



BRENDA MADDOX

Hook, the Set-up and the Quest: about the inciting incident and the right time to activate the subplot.

From the third row a middle-aged woman with long red hair and irritating voice calls out for something to be repeated. McKee explodes. "If you interrupt me once more, I'm going to ask you to leave the room. You have interrupted me four times." The whole room freezes. "That's not accurate," she says bravely. "It was only

twice." "Well, it felt like four," he snaps.

An inciting incident? The scene that reveals true character? We never know. He resumes his flow. Writing is rewriting. Creation is story design. Don't write the dialogue first: you will fall in love with it. *Deus ex machina* endings are never acceptable — except in comedy and except when the character has suffered too much and the audience says: "Oh hell, give it to him."

The hours, then days drag by. McKee seems to have seen every movie ever made. He tells us the alternative ending to *Fatal Attraction*. He explains why *Kiss of the Spider Woman* starts half-way through the story. (Because if you knew at the start that William Hurt was an informer planted to spy on his cell-mate, "you'd hate the creep.")

We learn that he places a great value on silence — other people's.

When you have finished a script, he advises, invite actor friends around to read it aloud. Then, listen to what they say. Just listen. "You - keep - your - mouth - shut! Say nothing!" He bellows this advice, slowly, three or four times. He asks for questions. Surprise, surprise. There are none. He hides the class for passivity. "We're terrified," pipes up a voice. He smiles. "It's the eyebrows, right?"

He cautions against writing stage directions into dialogue, like "Would you like a glass of water, darling?"

"You give Meryl Streep a line like that, and here's what she'll say," McKee puts hand on hip and coos into the wings. "Larry? Do I have to say this, sweetheart? I mean I'm handing him the *script* glass. Can we just cut the line? Thank you, darling." Streep vanishes, the scowling

Jesuit reappears: "And the screenwriter goes around crying. 'They're ruining my script!'"

The famed climax of this famed course is a scene-by-scene analysis of *Casablanca* — McKee's choice as the best movie ever made. He identifies five subplots. He dissects the brilliant economy of the script. He delivers fascinating asides: Bogart had to wear six-inch platform shoes to dance with the near-six-foot Bergman; the song "As Times Goes By" was included only at the last minute.

Comes the final sermon about the importance of the hero, from Bogart's Rick to Superman to Hamlet, and of delving into the human heart. Then... oh, no. He's not going to sing it? He does. As philosophy: "You must remember this. A kiss is still a kiss..."

I stagger out, brainstormed by that hard Hollywood voice intoning phrases that will ring in my head all my life. I have learnt a lot. I'll advise my son to take the course. But was all that aggression necessary for the imprinting? Maybe I'll find out, as time goes by.

Prime Minister's show time

Suzanne Franks on what five years of TV cameras have done to both Members and viewers of Parliament

On the Sunday before Parliament reassembled, Tony Blair slipped unnoticed into the Commons Chamber with Labour whip Peter Mandelson to have a private practice at Prime Minister's Questions.

Earlier the Tory MP Bob Dunn was seen with two image consultants, clutching a videotape taken from the television pictures of the Commons. The advisers studied the print and told Dunn that his usual seat in the back row gave an unfortunate angle when he asked a question. He ought to move forward. The discussion went to which of the eight TV cameras he should favour, and to acceptable suits and ties — Dunn's preference for striped shirts was definitely out.

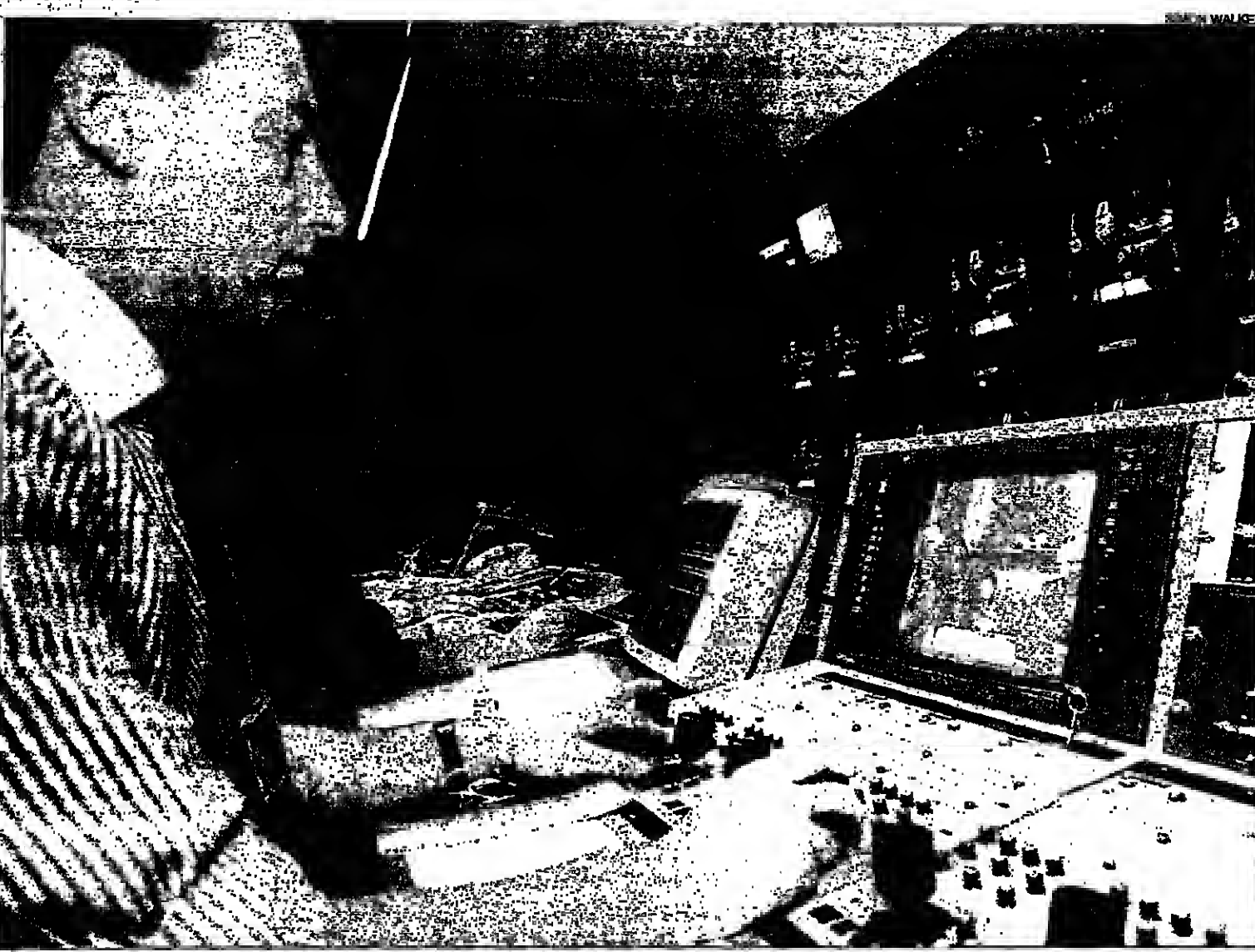
After five years of MPTV, the cameras in the Commons swivelling above the MPs' heads might appear as part of the fabric. But individual MPs are still anxious to put on their best show.

Basildon MP David Amess, a fierce opponent of televising Parliament, sneers at the "tarted-up Labour women. Socialists used to be scruffy, now they look smarter than Tories." A senior Labour politician observes younger colleagues "who crowd on to the two rows behind the front bench during Prime Minister's Questions to make sure that they are seen on TV at home, because of re-election fears."

Yet television is not just about keeping up appearances. Lobby journalists have remarked how some MPs have changed the way they speak to make it more accessible. Most will turn off at the words "1996 EC inter-governmental conference", so the more astute politicians simplify their language to catch the attention.

Tory MP Teresa Gorman is characteristically more direct. "You have to frame words in a way that can be picked up. When I complained that rapists should be castrated, if I'd said it in that way it wouldn't have got a fraction of the attention that it did; by saying that I thought we should cut off their goolies, the whole House roared and every pub across the land was talking about it that night. But how would I as a backbencher have ever got that amount of attention?"

Other MPs complain about such playing to the camera, and there is still a hard core of opponents of televising Parliament on both sides.



The Commons control room: John Major complains that MPs now turn up like "ferrets in a sack" to be visible at Prime Minister's Questions

Michael Portillo, in a controversial speech, argued that the cameras should be removed because they are responsible for the declining respect for Parliament as an institution. In the Upper House Lord Chudleigh even put down a motion linking increased violent crime with the televising of Parliament.

While the presence of television has sharpened current concerns about the farce of Prime Minister's Questions, it has also raised the stakes of the occasion. John Major complains of politicians who appear like "ferrets in a sack".

Paddy Ashdown also despairs of Prime Minister's Questions as a means of enlightenment, observing glumly that it has become cut-viewing in Holland where the "spectacle has an air of unreality, somewhere between farce and fantasy... the sort of Parliament that Walt Disney might have created."

Most politicians bemoan the increasing public cynicism about Parliament: if television has a role in this, it has been in focusing attention on

the way that Parliament conducts itself. But contrary to Portillo, many MPs acknowledge that by opening up Parliament television has acted as a brake (if only temporary) on the institution's long-term decline to

outnumbers those in the Chamber waiting to catch the Speaker's eye. Despite the overwhelming acceptance by MPs that television was crucial if Parliament was to retain any meaning for most of the electorate, it is still television with conditions. The special rules covering permitted shots, although they have been relaxed in the last five years, still apply. Even the most liberal MPs will not give up this control. Tony Banks worries that if a minister spoke about Labour's loopy left, the TV director might

choose to focus on Tony Benn. "They have no right to do that and reaction shots should not be allowed." And the normally libertarian Gorman believes it would be unfair to focus on those who are not speaking. "If the media were given the power to pan around then it would... change our behaviour. MPs would be constantly

conscious of the camera and we'd have to sit there with plastered smiles on our faces all the time."

Despite early complaints most broadcasters have learnt to live with the rules. Channel 4, however, still voices a principled objection and refuses live coverage for this reason. Senior current affairs editor David Lloyd says: "It demeans an institution that hasn't got the confidence to allow itself to be shown to the public in just the same way as any other area of British life. Broadcasters only have an interest in making an accurate account of what goes on, as far as possible... they should be given freedom of access: why should Parliament be treated any differently from the Derby or Ascot?"

Given the current antics in Westminster there could be worse comparisons.

● The author is general manager of CCT Productions, the independent company which televises Parliament. A fuller version of this article will appear in the winter edition of the journal Parliamentary Affairs.

6 It is a Parliament Walt Disney might have created

Losing ticket for ITV and the tabloids

Alexandra Frean looks at some of the problems set by the lottery

If you were to win the National Lottery jackpot this Saturday, would you call the *News of the World* and invite the paper round to photograph you in your living room? Piers Morgan, the paper's editor, hopes you will.

Fearful about the effects the lottery will have on its own games, the tabloid press is desperately eager to milk the competition for all it is worth, but it is faced with a number of obstacles.

Unlike the pools, where entrants have no automatic right to privacy but are offered the opportunity of ticking a "no publicity" box before they enter, the identity of lottery jackpot winners will be withheld automatically unless winners agree to publicity once they know they have won.

The Sunday papers face the most difficult task of all, given that Camelot, the lottery operator, is unlikely to have checked the credentials of winners until Monday at the earliest. Camelot is not even expected to divulge the name of the retailer that sold the winning ticket, although it may tell the Sunday press in what part of the country the ticket was bought.

Mr Morgan says: "The most important thing for us will be to discover on Saturday night whether there is a winner at all and how many winners there are for each prize. We will encourage winners to call us, but we will probably get a lot of hoaxes."

David Banks, of the Mirror Group, says that although the Sunday papers are likely to delay their main 7.30pm print-run for half an hour so that they can run the winning numbers, they will not be able to print the results in the "street" editions that go on sale at 9.30pm on Saturday.

Another potential difficulty for the papers is that the BBC, having paid between £250,000 and £500,000 for the exclusive rights to broadcast the lottery draw live, can be expected to be tipped off about the identity of winners at least two hours before the rest of the media.

The BBC hopes that its lottery programme will "look in" viewers for the whole of Saturday evening. It certainly stands a good chance of attracting viewers who do not usually watch television at that time. But will the core ten million or so regular viewers of *Blind Date* on ITV switch over to the Beeb for the draw, given that ITV has promised either to broadcast the winning numbers in a newscast from ITN soon after they are announced, or to scroll them along the bottom of the screen?



There are losers, too

Marcus Plantin, director of the ITV network, reluctantly concedes that if the BBC really wanted to scupper ITV on the night of the first draw, it could over-run the first lottery programme by ten minutes so that it fell after ITV's documentary on the Princess of Wales.

Alan Yentob, Controller of BBC1, takes a longer-term view. ITV's biggest challenge will be scheduling Saturday nights against the BBC's lottery draw for 52 weeks a year, he says. Mr Yentob's trump card will come in later weeks, when the corporation starts to tell the stories of prize winners. The experience of pools winners is that, although most do not want to publicise their windfall, many actually find the publicity beneficial.

The ordeal of having your face splashed across the media for a couple of days can be considerably less stressful than having to live in constant fear of having a pack of reporters turn up on your doorstep, having been tipped off by your neighbours.

What youngsters watch

ONLY three programmes in our Top 20 for television viewing by children aged four to 15 were screened after the 9pm family viewing watershed, Alexandra Frean writes.

The three post-watershed programmes are *Soldier Soldier*, London's *Burning*, and the Arnold Schwarzenegger film *The Running Man*. Given that the chart covers a

week when many children were on half-term holiday and might be expected to stay up later than usual, the family viewing policy appears to be working.

Only two children's programmes make it into the chart. *Blue Peter*, now in its 36th year, and *Byker Grove*.

Four to 15-year-olds represent 18 per cent of the total viewing population.

TIMES TV TOP 20: CHILDREN'S VIEWING

OCTOBER 24 TO 30, 1994									
Programme	Day	Time	Channel	Producer	Genre	Audience (M)	All 4+	4-15s	
1 EastEnders	Tue	19.31	BBC1	BBC	Soap	19.3	2.5		
2 Back to School	Sat	18.13	ITV	LWT	Game Show	12.3	2.3		
3 Mr Bean	Wed	20.01	ITV	Tiger Aspect	Comedy	14.5	2.2		
4 Neighbours	Mon	17.36	BBC1	Gundy International	Soap	10.5	2.2		
5 You've Been Framed	Sun	20.30	ITV	Granada	Entertainment	15.7	1.9		
6 Coronation Street	Mon	19.29	ITV	Granada Television	Soap	17.8	1.7		
7 Home and Away	Wed	18.01	ITV	Seven Network Australia	Soap	8.8	1.8		
8 Casualty	Sat	20.02	BBC1	BBC	Drama series	13.4	1.8		
9 Top of the Pops	Thu	19.00	BBC1	BBC	Music	8.0	1.5		
10 Soldier Soldier	Tue	21.01	ITV	Central Television	Drama series	15.7	1.4		
11 Headcase	Sun	19.29	BBC1	Yorkshire Television	Entertainment	11.2	1.4		
12 Noel's House Party	Sat	19.15	ITV	LWT	Entertainment	12.9	1.4		
13 Blind Date	Sat	17.20	ITV	Tower 12 Productions	Drama series	8.4	1.4		
14 Baywatch	Sat	17.20	ITV	Tower 12 Productions	Drama series	10.2	1.4		
15 The Hypnotic World of Paul McKenna	Mon	19.59	ITV	Calador	Entertainment	4.7	1.3		
16 Blue Peter	Mon	17.09	BBC1	BBC	Children's factual	14.7	1.3		
17 London's Burning	Sun	21.09	BBC1	LWT	Drama series	4.7	1.3		
18 Byker Grove	Fri	19.29	BBC1	Zenith North	Children's drama	13.7	1.3		
19 Strike It Lucky	Tue	20.29	ITV	Thames Television	Game show	9.7	1.2		
20 The Running Man	Sat	21.05	ITV	Talk/Kelly Smith	Film				

SOURCE: Broadcasters. All correct. Revised based on data from the BBC and the Independent Television Commission. Copyright © 1994 by the Times.

PG Tips and Tetley have been joined by Typhoo in the fight to be Britain's favourite cuppa

When the tea market is not just for two

What is your favourite non-alcoholic drink? How you answer this question has taken on a new significance as marketers from Britain's two biggest tea companies squabble over whose cuppa is now the nation's favourite. Upstart Tetley, inventor of both the tea bag and the round tea bag, is boasting that it is now beating PG Tips to the title — a claim PG owner Brooke Bond haughtily dismisses.

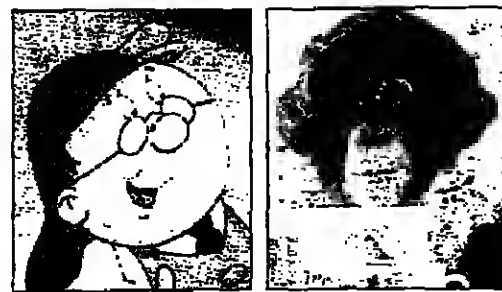
If Tetley is right — at the moment it all depends on which statistics you look at over what period — it would be something of a marketing earthquake. PG Tips has been king of the castle for 36 years. And, with tea still accounting for 40 per cent of all beverages drunk at home, who rules this £650 million market gets rich.

There is more. Tea acts as the great social anchor of British culture. "The emotional values of tea are almost greater than the functional benefits of the product," says John Nicholas, Tetley's marketing director. Who can win the hearts of the great British drinker is therefore one of the

ultimate tests of marketing skill. Yet, as the two rivals slug it out, there are signs that both are getting stale.

So far, they have won their public's heart primarily through excellent advertising. PG Tips' chimps (on air since 1956) and Tetley's tea folk (who celebrate their 21st birthday this year) are among the nation's longest running and best loved campaigns. PG Tips' chimps proved so successful that in 1990 their advertising agency BNP DDB Needham won the Institute of Practitioners in Advertising's Grand Prix award for effectiveness.

Consumers find it very difficult to distinguish between the major brands in



Tetley folk, left, rival the PG Tips chimps

blind taste tests," the admen admitted in their awards submission. But, they boasted, the brand's advertising-created "emotional appeal" allowed it consistently to outsell its rivals at a higher price. The advertising, they continued, was also the brand's biggest defence.

Hence the effrontery of Tetley's new claim to brand leadership. New-style advertising has given each of the Tetley tea folk individual char-

acters, and placed them in fantasy settings such as *Sleeping Beauty*. Other recent marketing initiatives, such as the sponsorship of *The Darling Buds of May*, has reinforced its image as a "warm, friendly, approachable brand", adds David Mould, the marketing manager.

But it may all be just a storm in a teacup. As words fly (one example: Allied Domecq, Tetley's owner, has put the brand up for sale and is "buying short-term sales so they can bid up the price", according to one of the PG Tips camp), the reality is that both brands are having a tough time.

According to Mintel, the market researchers, in the last

five years tea advertising has risen by 63 per cent, yet UK tea consumption fell by 12 per cent as coffee and soft drinks continued to gain in popularity. Over the last two years average tea prices have fallen by over 6 per cent, say market trackers Nielsen. Even PG Tips is cutting its prices.

In the same period both companies have resorted to ever more ambitious promotions, making film tie-ins offers (Flintstones for Tetley, *Aladdin* for PG Tips), giving away millions of chimp or Flintstone fridge magnets, figurines, and so on.

Now there is evidence that success doesn't necessarily go to those with the cleverest advertising, but to those who innovate best. Tetley is still riding high from the success of its round tea bags launch in 1993. And, remarkably, the fastest growing brand this year is Typhoo, which re-launched last year. Some of its teas are now vacuum packed at plantation, and the bags come in a patented foil bag. Typhoo's sales are up over 30 per cent.

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Becker survives to give supporters plenty to cheer

FROM STUART JONES, TENNIS CORRESPONDENT, IN FRANKFURT

BORIS Becker withstood a fearsome barrage from the strongest server in tennis yesterday and emerged unscathed from his opening duel in the ATP Tour world championship. In an exchange of violent hitting lasting seven minutes short of two hours, he beat Goran Ivanisevic, 6-3, 3-6, 7-6.

Although the indoor court in the cavernous Festhalle had been described by the competitors as no more than "medium-fast", Ivanisevic was credited with 26 aces. His total for the year, which had already obliterated the previous record set by Pete Sampras, now stands at 1,157.

Yet his firepower was not enough. For the second time in three years here, he succumbed to Becker on a tie-break in the decisive third set.

"He was nervous. I was nervous," a disconsolate Ivanisevic muttered. "It was a pretty bad match."

Not for the spectators voicing support for their countryman. They created so much noise inside the arena that Becker found himself losing concentration in the closing

stages. He retained it long enough to go to the top of the White Group, which also includes Sampras and Stefan Edberg.

Twice the former champion and three times the runner-up, Becker started the year by becoming a father and engaging a new coach, Nick Bolleteri. He is threatening to end it by entrenching himself again officially as one of the game's prime figures.

Seeded and ranked No 5, he made a significant mark on the tournament in Stockholm a fortnight ago. On his way to gaining the title, he defeated the top three players in the world at the time — Michael Stich, Sampras and Ivanisevic. Nobody else this year has matched the feat.

He took the first set by converting the only break point to lead 5-3. Ivanisevic, sporting a headband in the red, white and blue colours of his Croatian homeland, levelled the match, but only after saving four break points to avoid being caught at 3-2.

"I barely won a point on his serve in the third set," Becker said. "I just had to stay with

him and wait for the tie-break."

When it arrived, Ivanisevic might have seized a commanding advantage. He could, with more care, have been 5-0 ahead. Instead, he committed the initial error, a backhand volley into the net, and compounded it with a double fault that handed his opponent a match point.

Michael Chang, blessed at the age of 17, when he captured the French Open and became the youngest holder of a grand slam title, has been waiting for more than five years to make another impact on the game's leading tournaments. Four times, he has qualified for the lucrative showpiece at the end of the season.

In 1989 and 1992, he lost all three of his round-robin matches and the one victory he has claimed so far in his opening appearance against Jim Courier last year was so hollow as to be comical. Courier, bothered to win a mere four games and, later in the event, overtly demonstrated his disenchantment by reading a book in between changeovers.

Although Chang's indoor record this year has been surpassed by only three other players, his sequence of failure here was extended. Sergi Bruguera, however, ended last year, the French Open champion profited from his comparatively diminutive opponents' unforced errors — 38 of them — to win, in 101 minutes, 7-6, 7-5.

The outcome of the other match in the red group surprised nobody. Other than on clay, Alberto Berasategui has won only two matches this year. He was overwhelmed 6-2, 6-0 in 45 minutes by Andre Agassi, who conceded eight points in the second set. It was the slaughter of the innocent.

Photograph, page 24

Results, page 44

Halard excels to earn first-round success

JULIE Halard, of France, played the match of her life in New York on Monday night to beat the French and US Open champion, Arantxa Sanchez Vicario, in the first round of the Virginia Slims Championships. Halard, 24, defeated the No 2 seed, from Spain, 6-2, 1-6, 7-6 in 2hr 14min, taking the final set tie-break 7-2.

"I had nothing to lose. I played the best tennis I ever have," Halard said afterwards. "At the beginning of the second set, I didn't have enough breath to run. My legs

were shaking, but I got a second breath."

Sanchez Vicario had won her last four tournaments — and her last 21 matches — and was favourite for the tournament at Madison Square Garden, with Steffi Graf, the No 1 seed, suffering from a back injury. However, Halard excelled herself in a thrilling match.

Sanchez Vicario hid her disappointment at the end of her run of success. "She just played better than I did."



Welsh, the Scottish Seftel stand-off half, is held up by Strauss and Putt, right, at Aberdeen yesterday

Johnson plays himself into frame

Scottish Select XV..... 10
South Africa XV..... 35

By ALAN LORIMER

AFTER playing two matches in incessant rain, South Africa had a dry, although blustery, day for their game against Scottish Select in Aberdeen yesterday. And that was a crucial factor in their victory over a scrappy opposition, which at times had difficulty defending against slick handling by backs and forwards alike on the running-friendly surface at Rubislaw.

Ironically, it was a series of penalty goals by Gavin Johnson, the South African full back, that put Scottish Select in arrears. The Transvaal player was successful with five in the first half and with the

conversion of a try from close range by Krynauw Otto, and he took his tally to 25 points after the break by kicking a further penalty goal and scoring a fine try.

His overall performance, let alone his scoring achievement, must surely give the South African tour selectors thoughts of playing him against Scotland on Saturday.

The likelihood is that, if he is included, he will play on the right wing; he certainly showed yesterday that he has the pace and power to score tries.

The other South African points came from another close-range drive after a tapped penalty and ended with Ian Hastings, the tight-head prop, forcing his way over. But, powerful though the South African forwards were,

it was Scottish Select's pack that won many of the plaudits, notably by pushing the South African scrum backwards for a pushover try in the first half.

"The Scottish forwards were impressive; they could have put more points on the board," Keith Christie, the South African coach, said.

Given the shortage of genuine No 8s in Scotland, it was encouraging for the national coaches that Eric Peters, of Bath, performed impressively. His drives off the back of the scrum were effective, and in the first half he won some good lineout ball.

The Scots made little progress behind the scrum, save for an early threatening run by Ron Eriksson, the London Scottish centre, and for the most part were consigned to defensive chores.

After the match, Greig Oliver, the Scottish Select captain, offered this advice to the Scotland team on Saturday: "You have to hit them with first time tackles."

SCOTLAND SELECT XV: M. Dods (Kilgill); G. Smith (Bristol); F. Harold (London Scottish); R. Eriksson (London Scottish); M. Appleson (Salisbury); S. Welch (Hawick); G. Oliver (Hawick, captain); J. Marston (Dundee High School); P. M. Scott (Dundee High School); R. Scott (Tipton); J. Ballantyne (Hawick); R. Brown (Melrose); R. Scott (London Scottish); R. Christie (Leeds); E. Peters (Bath); Turnbull (replaced by B. Rutherford (Hawick, 43rd)).

SOUTH AFRICA XV: G. Johnson (Transvaal); C. van der Westhuizen (Kilgill); H. Muller (Orange Free State); T. Lino (Transvaal); J. Krynauw (Transvaal); K. Putt (Kilgill); I. Hastings (Transvaal); J. Ballantyne (Hawick); R. Scott (Tipton); J. Ballantyne (Hawick); R. Brown (Melrose); R. Scott (London Scottish); R. Christie (Leeds); E. Peters (Bath); Turnbull (replaced by B. Rutherford (Hawick, 43rd)).

IN BRIEF

Foreman vows to box again

GEORGE Foreman, who at 45 became the oldest world heavyweight boxing champion in history when he beat Michael Moorer for the International Boxing Federation and World Boxing Association titles this month, has promised he will fight again.

"I've got a future," he said. He would not name his next opponent, though he said he favoured giving Moorer a rematch and that he "would wait for the opportunity to fight [Mike] Tyson".

Buffalo halted AMERICAN FOOTBALL: Rod Woodson provided the inspiration behind Pittsburgh Steelers' 23-10 victory over Buffalo on Monday, scoring on an interception return and forcing a fumble that was recovered for a touchdown.

Houston Oilers, the team with the worst record in the National Football League, dismissed Jack Pardee, the head coach, after their sixth successive defeat.

Pole position

Nigel Mansell was Britain's best-paid sportsman over the past 12 months, according to the Radio Five Live Sports Yearbook out yesterday. It claims Mansell earned £9 million. Lennox Lewis (£5.2m) dropped to second place, with Chris Eubank (£3.4m) in third. Sally Gunnell (£450,000) was the highest-earning woman.

Altered course

YACHTING: Wellington, New Zealand, and Sydney, Australia, are two new ports of call in the 1996 BT Global Challenge round-the-world race, featuring 15 identical yachts, manned by fare-paying crews.

Ralph ruled out

HOCKEY: David Ralph, of East Grinstead, was effectively suspended from national league and cup matches for the remainder of the season for playing in a Scottish league match last month, breaking European rules.

Court of Appeal

Court declines to decide on Community law

Society of Lloyd's v. Clementson
Sane v. Mason
Before Sir Thomas Bingham, Master of the Rolls, Lord Justice Slynn and Lord Justice Hoffmann
[Judgment November 10]

In actions brought by the Society of Lloyd's against two insurers for reimbursement of funds paid out of the central fund in discharge of the names' liabilities, the national court would not, on the material before it, answer preliminary issues of Community law relating to whether provisions relied on by Lloyd's were capable of having the effect of the EC Treaty (Council Directive 1974/65).

The Court of Appeal so held allowing appeals by John Stewart Clementson and Gian Carlo Alessandro Mason, from Mr Justice Saville (The Times January 11) who had ruled in favour of the Society of Lloyd's, *inter alia*, that (i) in bringing the proceedings under the Central Fund Bylaw (No 4 of 1986) Lloyd's was acting in a regulatory capacity or performing a regulatory function; (ii) in exercising its powers to seek reimbursement for sums paid out of the central fund Lloyd's was not engaged in activities which were subject to activities 3(a), 3(b) and 3(c) of the EC Treaty; and (iii) in the context of the proceedings, section 14 of the Lloyd's Act 1982, the Membership Bylaw (No 9 of 1984) and the Agency Agreement (No 1 of 1985) were not capable of infringing those articles.

The Court of Appeal dismissed the defendants' appeals against the judge's ruling that terms should not be implied into the standard form of general undertaking between Lloyd's and the names on their becoming members of Lloyd's to the effect that Lloyd's should (i) regulate and direct the business of insurance at Lloyd's in good faith; (ii) exercise its powers of regulation and direction for the purposes for which they were given under the contract, namely the objects set out in section 4 of the Lloyd's Act 1982 and (iii) regulate and direct the business of insurance at Lloyd's with reasonable care.

Mr John Beveridge, QC and Mr

Craig Orr for Mr Mason; Mr Jeremy Lever, QC, Mr Nicholas Green and Mr Richard Stowe, solicitors, for Mr Clementson; Mr Michael Bellof, QC, Mr Peter Duffy and Mr Paul Stanley for Lloyd's.

THE MASTER OF THE ROLLS said that the issues of Community law were to be answered in the context of such facts as were uncontested or obvious beyond the possibility of reasonable contradiction. If the answers depended on other facts, the issues could not be answered at the present stage.

Nor, even if the relevant facts were clear enough, would it ordinarily be appropriate to rule on a disputed question of Community law without seeking a ruling from the European Court of Justice under article 177 of the EC Treaty to conclude that the answers to the legal questions were also clear.

The parties had agreed that a name at Lloyd's was an undertaking within the meaning of article 85 of the EC Treaty. Lloyd's was an association of undertakings within the meaning of the article. Lloyd's had not accepted that it was. To his Lordship it seemed at least arguable that it was. It might be an association of undertakings, but it was also capable of being regarded as an association of undertakings.

Mr Clementson identified four acts of Lloyd's which, if that were so, were to be regarded as decisions made by that association of undertakings: namely the decisions to adopt the Central Fund Bylaw, to make payment out of the fund of his alleged debt under paragraph 7, to sue him under paragraph 10 and to adopt the insurance terms.

His Lordship would not feel able as a matter of law to say that those were not capable of being decisions within the meaning of article 85. Even so that did not avail Mr Clementson unless such decisions might affect trade between member states. It could scarcely be said that decisions to make payment under paragraph 7 or to sue under paragraph 10 might affect trade between member states. But as a matter of law and in the absence of

economic or other evidence, his Lordship was not able to reach the same conclusion about the decisions to adopt the Central Fund Bylaw and the reinsurance provision.

Given the substantial state of the European insurance market, traditionally enjoyed by Lloyd's, it seemed at least possible that those decisions, if they were such, had and had economic effects of more than purely domestic significance.

Even if those were decisions of an association of undertakings with a potential effect on trade between member states, the operation of article 85 was only attracted if additionally the decisions had as their object or effect the prevention, restriction or distortion of competition within the Common Market.

Lloyd's invited the court to rule that the Central Fund Bylaw could not have that object or effect; Mr Clementson argued that it did, or might have that effect. The existence of the central fund as a source from which, in the last resort, policy holders would be paid enabled Lloyd's underwriters, so Mr Clementson argued, to neglect the ordinary disciplines of prudent underwriting and so capture business which would otherwise have gone to others; it also encouraged Lloyd's to vet less carefully than would otherwise have been appropriate the means of those in whose names large obligations were undertaken.

His Lordship did not feel able, as a matter of law, to reject Mr Clementson's contentions. Article 85 concerned only the conduct of companies and was not directed at legislative or regulatory measures emanating from member states: see Case C-2/91 Meng (1993) ECR I-5751; and Case C-245/91 Othra Schadeversicherung NV (1993) ECR I-5851.

It therefore, it appeared that the adoption of terms of the Central Fund Bylaw were required of Lloyd's by the express or implied terms of national legislation, the court would be able to rule that the relevant decision, if it were such, fell outside the scope of article 85.

But Lloyd's was unable to point to any national legislation which

Law Report November 16 1994

required that the central fund should be established in the way or on the terms that it was. It was Lloyd's which adopted the bylaw and operated the fund. If the secretary of state had any relevant reserve powers it was not suggested that he had exercised them.

His Lordship referred to the suggestion of Lloyd's that the adoption of the bylaw and its operation were steps, or decisions, required by Community law under Council Directive 91/674 (CJ 1374 December 31, 1991, p7) concerning annual and consolidated accounts of insurance undertakings.

But even if it were true that the role of the central fund in the chain of security was thereby recognised and endorsed by Community legislation, his Lordship did not feel able to hold as a matter of law at the present stage and on the evidence before the court that the Community thereby sanctioned any competition distorting effects which the terms of the bylaw or its mode of operation might be found to have.

Community authority appeared to make clear that in certain circumstances decisions taken by those engaged in a trade might fall outside the ambit of article 85: see in particular Case C-18/93 *Federal Republic of Germany v. Delta Schiffahrts- und Speditionsgesellschaft mbH* (unreported, June 9, 1994) but the conditions expressed in that case for its doing so could not be met here.

His Lordship was not able to reject Mr Clementson's argument in so far as it was based on the Central Fund Bylaw as plainly wrong in law. Nor was he persuaded that it was right in law, in the circumstances, to give the correct answer in law might turn on facts which had not yet been fully explored or decided.

Turning to the reinsurance provision, Mr Clementson had argued that the instructions given by Lloyd's for the annual solvency test of underwriting members of Lloyd's discriminated in its treatment of those who reinsured within and those who reinsured outside the Lloyd's market, to the advantage of the former.

It was not the object of the provision to encourage the placing of reinsurance in the Lloyd's market, a possibility Mr Clementson wished to explore, that, he said, was its effect. In any event the provision had the disastrous effect of concentrating risk in the Lloyd's market instead of dispersing it as widely as possible.

But what mattered most in the present context was whether the provision had as an object or effect the distortion of competition within the Common Market. In Mr Clementson's submission it did, or arguably did.

Lloyd's had been able to advance a number of justifications for the provision: since there was no risk of non-payment under a Lloyd's policy of reinsurance there was no need to make any allowance for that risk; that as the regulator of its own market Lloyd's was in a position to know that; that it was

not in the same position vis-à-vis corporate reinsurers at home or abroad and could not assume the responsibility of assessing the chance that any such reinsurer might default under a policy to which it was party.

In the absence of evidence on all those points were self-evident. Even if they were treated as being so, it did not meet Mr Clementson's point.

If the provision was capable, as it stood, of objective justification then it might be that Lloyd's would have the grounds for claiming exemption under article 85(3).

Such exemption would relieve Lloyd's from the consequence specified in article 85(2) from the date of notification but until then the prohibition in article 85(1) remained in effect. If the decision in question had the object or effect of preventing, restricting or distorting competition.

Even if the court were able to conclude that the provision did not have that effect, a bold course in the absence of evidence, his Lordship did not see how it could possibly conclude as a matter of law that the provision might not have the proscribed effect.

He was not able to give an answer favourable to Lloyd's on that issue. Nor, as a matter of law and in the absence of evidence, would he give an answer favourable to Mr Clementson. It was not possible to resolve the matter as a question of law at the present stage.

If Mr Clementson was able to establish that Lloyd's had acted in breach of article 85 it was at least arguable that he had a good counterclaim for damages on which he might rely and that section 14 of the Lloyd's Act 1982 could not be effective to deprive him of that right. If it were otherwise, his Lordship did not see how national courts could help to enforce the Community's competition regime, as they were expected to do.

Turning to the Membership Bylaw and the Agency Agreement, his Lordship could not hold as a matter of law and in the absence of evidence that neither was capable of distorting competition in the Common Market.

His Lordship emphasised that he was not concluding that Lloyd's was wrong on any of the points. It might, or might not, be. He only concluded that it was not, in his judgment, shown to be right. The same was true of Mr Clementson. The issues could not be answered favourably to one side or the other at the present stage.

He would decline to answer the preliminary issue relating to Community law at the present stage and would therefore allow Mr Clementson's appeal on that issue. Since Mr Mason had adopted his argument, the same result would follow in his case.

Lord Justice Slynn and Lord Justice Hoffmann delivered judgments concurring in the result.

Solicitors: Michael Freeman & Co; S.J. Berwin & Co; Mr John Mallinson.

Contract requires work to proceed regularly and diligently

West Faulkner Associates v. Newham London Borough Council

Before Lord Justice Balcombe, Lord Justice Hirst and Lord Justice Simon Brown
[Judgment November 10]

There was a measure of overlap between the words "regularly" and "diligently" in clause 25(1)(b) of the JCT standard form of contract. What particularly was supplied by the word "regularly" was not least a requirement to attend for work on a regular daily basis with sufficient in the way of men, materials and plant to have the physical capacity to progress the works substantially in accordance with the contractual obligations.

What in particular the word "diligently" contributed to the concept was the need to apply that physical capacity industriously and efficiently towards the same end.

Taken together, the obligation upon the contractor was essentially to proceed continuously, industriously and efficiently with appropriate physical resources to progress the works steadily in accordance with the contractual requirements as to time, sequence and quality of work.

The Court of Appeal so stated in dismissing an appeal by West Faulkner Associates against a judgment of Judge Newey, QC, on October 1, 1992, holding them liable in damages to the London Borough of Newham for breach of a contract under which they were engaged as the architect in respect of works of modernisation entered into between the council and a firm of contractors.

Mr Richard Fernyhough, QC

and Mr Adrian Williamson for the plaintiffs; Mr Bruce Mauleverer, QC and Miss Kim Franklin for Newham.

LORD JUSTICE SIMON BROWN said that put at its shortest the judge had held that Faulkner were in breach of their duty in failing to give the contractors notice under clause 25(1)(b) of the standard JCT conditions, a notice which the architect "may give... if [the contractor] fails to proceed regularly and diligently with the works".

At the heart of the appeal lay questions as to the true construction of clause 25(1)(b), questions upon which there was little authority.

The contract was to renovate 150 dwellings on a housing estate. From the very beginning it became clear that the envisaged programme would not be achieved and the position never really improved.

The delays and uncertainties had serious effects upon the tenants whose lives were dreadfully disrupted.

In the end, following Faulkner's continuing refusal to give the contractors a clause 25 notice, the council felt that they had no alternative but to procure the contractors' withdrawal by negotiated settlement.

As became plain at trial the reason why Faulkner, and the quantity surveyors from whom alone Faulkner sought advice on the point, continually felt it impossible to give the clause 25 notice was because of their construction of the clause.

It was their understanding that no notice could be given to the contractors under clause 25(1)(b).

unless the contractor was failing to proceed with the works in both the stipulated respects, that is, unless he was working neither regularly or diligently; nor from the language of clause 25 itself, nor from the authorities or text books, nor from commercial logic.

So far as language was concerned, although counsel for Faulkner sought to construct an elaborate argument for applying what he called a conjunctive rather than disjunctive approach, the literal meaning of the words used seemed unambiguously to take one to the contrary conclusion: the two adverbs qualified the verb "to proceed", plainly they did not govern the word "falls".

The requirement was to proceed "regularly and diligently", not "regularly or diligently". His Lordship concluded by saying that the one thing that was clear beyond question was that, upon any proper construction and application of the clause, the architect was not merely entitled to give a clause 25 notice but could not have reasonably have done otherwise than to give it.

Lord Justice Hirst and Lord Justice Balcombe agreed.

Solicitors: Alastair Thomson & Partners; Fenwick Elliott.

Doctor can be lawfully required to give undertaking

Ex parte Phillips

Before Lord Justice Nourse, Lord Justice Beldam and Sir Tasker Watkins
[Judgment October 31]

A medical practitioner could lawfully be required under the General Medical Council Health Committee (Procedure) Rules 1987 No 2174 to give an undertaking to abstain absolutely from consuming alcohol as a pre-condition of his continuing to practise, even though the balance of opinion from medical examiners was not such as to show that he would be unfit to practise unless he so abstained.

The Court of Appeal so held refusing a renewed application from the refusal by Mr Justice Judge of leave to move for judicial review by Dr James Andrew Phillips who sought to challenge his suspension on June 24, 1993, from the register as a medical practitioner by the health committee of the General Medical Council for non-compliance with the undertaking.

Mr Edward Fitzgerald for Dr Phillips.

LORD JUSTICE NOURSE said that Dr Phillips' case was that the president of the GMC was not entitled to seek an undertaking to abstain from alcohol in purported reliance on rule 87(b) of the 1987 Rules unless the balance of opinion in the medical examiners' reports supported the proposition that Dr Phillips was "not fit to practise" or "only fit to practise" if he complied with a condition of total abstinence from alcohol.

It was clear that the medical

reports on Dr Phillips were not unanimous: two of them reported that he was fit to practise and none of them said that he was unfit to practise.

But Mr Fitzgerald's construction of rule 87(b) was not an arguable one: he sought to import into it the same limitations as were applied by rule 83(1).

Rule 83(b) gave the president a discretion to impose such arrangements for the management of Dr Phillips' case as he considered appropriate.

The arrangements here were not such as could reasonably be said in the light of the medical reports on Dr Phillips to be inappropriate.

Lord Justice Beldam and Sir Tasker Watkins agreed.

Solicitors: Maurice Putman & Co, Birmingham.

When bank receives subpoena

Robertson v Canadian Imperial Bank of Commerce

When a subpoena duces tecum had been served on a bank ordering it to produce a customer's bank statement, the bank in so doing had not acted in breach of the duty of confidentiality which it owed to the customer.

The Judicial Committee of the Privy Council (Lord Templeman, Lord Bridge of Harwich, Lord Goff of Chieveley, Lord Slynn of Hadley and Lord Nolan) so held on October 6 in dismissing an appeal by the appellants, Dr Maurice Robertson, from the judgment of the Eastern Caribbean Court of Appeal (Saint Vincent and the Grenadines), who had dismissed

his appeal from the judgment of Mr Justice Sathran Singh in the High Court of Saint Vincent and the Grenadines, whereby the appellants' action against the respondent, Canadian Imperial Bank of Commerce, had been dismissed.

LORD NOLAN said that a contractual duty of secrecy was implied in the relationship between banker and customer, subject to the qualifications set out in the judgment of Lord Justice Bingham in *Tournier v National Provincial and Union Bank of England* [1924] 1 KB 401, 473, one of which was that, in the ordinary way a customer

of good standing could reasonably expect, if only as a matter of courtesy and good business practice, to be told by his bank that a subpoena had been received.

Although the bank had been compelled by law to produce the appellant's bank statement to the court, it was under no compulsion to withhold knowledge of the subpoena from him.

However, the bank did not have an absolute duty to inform the customer of the subpoena, and the bank's obligation was no more than to use its best endeavours to do so.

In the present case breach of that obligation had not been proved.

Charlton's optimism heightened by Quinn

By Peter Ball

TWELVE months ago, at the height of the sectarian unrest, the Republic of Ireland just escaped from a venomous evening at Windsor Park with the point which took them to the World Cup finals. Today, they are back in Belfast to meet Northern Ireland in a European championship qualifying match that is important to both teams' hopes of reaching the finals in 1996.

The atmosphere in Belfast, now that peace has broken out, could hardly be more different. The game is likely to reflect that. Northern Ireland have a new manager in Bryan Hamilton and, for this game at least, a new captain in Steve Morrow.

GROUP SIX

RESULTS: Northern Ireland & Liechtenstein Liechtenstein v Austria & Latvia v Ireland 3 Northern Ireland v Portugal 2 Latvia 1 Portugal 3, Austria 1 Northern Ireland 2 Ireland 4 Liechtenstein 0; Portugal 1 Austria 0 Liechtenstein 0	P	W	O	L	F	A	Pts
Portugal	2	3	0	0	6	2	9
N Ireland	2	3	0	0	6	2	9
Ireland	3	1	0	0	5	3	6
Austria	3	1	0	0	5	3	6
Latvia	1	0	0	2	2	6	2
Liechtenstein	4	0	0	3	1	10	0

PICTURES: Today: Northern Ireland v
Austria Dec 16; Portugal v Northern Ireland
1985: Mar 28; Northern Ireland v Portugal
Austria v Latvia Apr 26; Ireland v Portugal,
Latvia v Northern Ireland Austria v Liechten-
stein Apr 27; Portugal v Northern Ireland
Ireland v Jan 7; Northern Ireland v Latvia
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Liechtenstein v Portugal, Aug 16
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Sep 8; Austria v Ireland, Latvia v Liechten-
stein Oct 11; Ireland v Latvia, Austria v
Portugal Liechtenstein v Northern Ireland
v Austria.

